Diocese of Eastern Newfoundland and Labrador

Diocesan Constitution

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CHAPTER 1

DEFINITIONS

In the Constitution and Canons of the Diocese of Eastern Newfoundland and Labrador, unless the context otherwise requires, or unless for the purposes of any article or Canon a special interpretation is given:

1. ***Administrator*** means the person appointed as provided in Section 35 of Canon 2 to administer the affairs of the Diocese in the case of a vacancy of the See.

2. ***Assistant Bishop*** means a bishop who is already consecrated at the time of appointment and who is appointed to assist the Bishop in episcopal ministry, but who has no right of succession.

3. (a) ***Bishop*** means the Bishop of Eastern Newfoundland and Labrador.

   (b) ***bishop*** means a cleric in episcopal orders in the Anglican Church of Canada or of some other Church in full communion with the Anglican Church of Canada.

4. ***Church*** means the Anglican Church of Canada.

5. ***Churchwarden*** means the person elected or appointed pursuant to Section 6 of Canon 5.

6. ***Cleric*** means a person ordained to, or received into the exercise of, the office of bishop, priest, or deacon in the Anglican Church of Canada.

7. ***Coadjutor Bishop*** means a bishop who is elected or appointed to assist the Bishop in episcopal ministry and who has the right of succession on the vacancy of the See.

8. ***Communicant*** means a baptized person who regularly receives the Sacrament of Holy Communion in the Anglican Church of Canada.

9. ***Curate*** means a cleric or other licensed person appointed by the Bishop to be Assistant to the Incumbent of a parish.

10. ***Deacon*** means a cleric in the Order of Deacons who intends to exercise that ministry in perpetuity.

11. ***Diocesan Executive Committee*** means the Diocesan Executive Committee of the Diocese of Eastern Newfoundland and Labrador.

12. ***Diocese*** means the Diocese of Eastern Newfoundland and Labrador.

13. ***Diocesan Executive Officer*** means the Diocesan Executive Officer of the Diocese of Eastern Newfoundland and Labrador.

14. ***Electoral Synod*** means a special meeting of the Synod called for the purpose of electing a bishop.

15. ***Episcopal Nominating Committee*** means a committee appointed by Diocesan Executive Committee to make formal nomination of persons for episcopal election pursuant to Canon 1.

16. ***Executive Committee*** means the Executive Committee of the Diocese of Eastern Newfoundland and Labrador that existed prior to the establishment of the Diocesan Executive Committee of the said diocese.

17. ***Ex officio member*** means a person who is a member of a council, committee, or group by virtue of the office that person holds; such member to have the same powers, including the power to vote, as any other member of the council, committee, or group.

18. ***Honorary Diocesan Treasurer*** means a person appointed by the Bishop, to serve at the pleasure of the Bishop, to provide advice to the Diocese, as requested, on all financial matters.

19. ***Incumbent*** means the cleric or other licensed person appointed by the Bishop to have charge of a parish, including one appointed Rector, Priest-in-Charge, Deacon-in-Charge, or other designation approved by the Bishop.

20. ***License*** means the written permission of the Bishop to a person to execute a particular office or ministry in the Diocese.

21. ***Metropolitan*** means the Metropolitan of the Ecclesiastical Province of Canada

22. ***Parish*** means an organized ecclesiastical unit consisting of a number of baptized people who are members of or in communion with the Anglican Church of Canada, and is recognized by the Bishop and the Diocesan Executive Committee as a parish. It may be comprised of one or more congregations.

23. ***Provincial Synod*** means the Synod of the Ecclesiastical Province of Canada.

24. ***Secretary-Treasurer*** means the Secretary-Treasurer of the Synod of the Diocese of Eastern Newfoundland and Labrador, who shall normally be the Diocesan Executive Officer.

25. ***See*** means the area over which the Bishop has jurisdiction.

26. ***Suffragan Bishop*** means a bishop who is elected or appointed to assist the Bishop in episcopal ministry but who has no right of succession.

27. ***Synod*** means the Synod of the Diocese of Eastern Newfoundland and Labrador.

28. ***Transitional Deacon*** means a cleric in the Order of Deacons who expects to be ordained Priest.

CHAPTER 2

ORGANIZATION AND MEMBERSHIP OF SYNOD

The Composition of Synod

1. The Synod shall be composed of:

   (a) the Bishop;

   (b) the Coadjutor, Suffragan, or Assistant Bishop of the Diocese, if there be any;

   (c) the Diocesan Executive Officer; (d) the

   Chancellor of the Diocese;

   (e) the Vice-Chancellor of the Diocese;

   (f) all clerics licensed by the Bishop to an office in the Diocese;

   (g) retired clerics who held the Bishop's license at the time of their retirement and who continue to reside in the Diocese;

   (h) all clerics holding general permits or informal permission from the Bishop;

   (i) Lay Members of Synod representing the Parishes of the Diocese;

   (j) Church Army Officers and Professional Lay Ministers who are under stipend and licensed by the Bishop;

   (k) Lay Members of the Diocesan Council who are not otherwise members of the Synod;

   (l) Lay Members of the General Synod or the Provincial Synod who no longer represent parishes of the Diocese in the Synod.

Orders of Synod

2. There shall be two Orders of the Synod as follows:

   (a) the Order of Clerics, which shall consist of the ordained persons referred to in Section 1 hereof; and

   (b) the Order of Laity, which shall consist of all other members listed in Section 1 hereof.

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Lay Members of Synod Representing Parishes of the Diocese

3. Each parish in the Diocese shall be represented by three lay persons, one of whom is to be between the ages of sixteen and twenty-four years at the time of election.

4. (1) Lay Members of Synod representing parishes shall be elected at the annual meeting of the congregation where there is one congregation in the parish, and by the Parish Council where there is more then one congregation in the parish. This election shall take place no later then the last day of March in the year that the Synod is to be held. Lay Members of Synod shall serve for two years from the date of their election.

(2) Upon the application of a parish for special leave to elect Lay Members after the last day of March in the year in which the Synod is to be held, the Diocesan Executive Committee may, with the approval of the Bishop, grant such leave.

(3) A Lay Member of Synod having served two consecutive two year terms shall retire and shall not be eligible for election as a Lay Member of Synod until one full two year term has elapsed.

5. (1) In case of failure to elect Lay Members in the manner provided in Section 4, the Incumbent shall within one month after the time specified in Section 4(1) summon such a meeting for that purpose, to be held at such time and place as the Incumbent shall appoint.

(2) If the position of Incumbent is vacant, or if the Incumbent is unable to call such a meeting, the meeting shall be convened by the Churchwardens in a parish in which there is one congregation, or by two officers of the Parish Council in a parish in which there is more than one congregation. The meeting shall be presided over by one of the aforementioned Churchwardens or Officers, as the case may be, or, in their absence or refusal, by a person chosen by the meeting to be Chair.

(3) If, pursuant to Canon 5, Section 36, of the Canons of the Diocese the Incumbent is not the Chair of the Congregational Meeting or Parish Council, as the case may be, the Chair previously elected shall summon the meeting.

6. (1) Each parish shall elect substitute Lay Members of Synod. Such substitute Lay Members shall, in the order of election, take the place of Lay Members who for any cause are unable to attend Synod. If a substitute Lay Member attends a Synod, such substitute Lay Member shall be deemed the elected Lay Member for the balance of the term.

(2) If between elections a vacancy occurs among the Lay Members of a parish that can not be filled from among the substitute Lay Members, another substitute Lay Member shall be elected by the Vestry or by the Parish Council as the case may be.

7. No Lay Member of Synod may represent more then one parish.

8. No person shall be entitled to vote in the election of Lay Members of Synod for more then one parish.

Credentials

9. Every Lay Member of Synod representing a parish shall receive from the Incumbent of the parish credentials in the following form:

Diocese of Eastern Newfoundland and Labrador

Name of Parish

Date

I hereby certify that at a meeting of the parishioners of this parish held on date, name of the Member of Synod was duly elected a member of Synod and continues to hold that office at this date.

10. Where a substitute Lay Member of Synod has been appointed to attend a meeting of Synod, the credentials shall be in the following form:

Diocese of Eastern Newfoundland and Labrador

Name of Parish

Date

I hereby certify that at a meeting of the parishioners of this parish held on date, name of Substitute Lay Member of Synod was duly elected to the office of Substitute Lay Member of Synod. Name of Lay Member of Synod unable to attend Synod, who had been elected Lay Member of Synod, is unable to attend, and name of Alternate Lay Member of Synod has been duly appointed to attend in his/her place.

11. At least three weeks prior to the date fixed for Synod the Incumbent, or in the absence of an Incumbent, a People's Warden, shall forward to the Chair of the

Synod Credentials and Registration Committee the names of the Lay Members of Synod from that parish who will be attending the meeting of Synod.

12. Each Lay Member or Substitute Lay Member of Synod representing a parish shall present the aforementioned form of credentials to the Committee on Credentials and Registration on arrival at the meeting of Synod for the purpose of identification.

Privileges

13. (1) The following members of the Synod are each entitled to one vote on any issue before the Synod on which a vote is called, and are eligible for election to any office of Synod and to the General and Provincial Synods:

(a) the Coadjutor, Suffragan, or Assistant Bishop of the Diocese, if there be any;

(b) the Diocesan Executive Officer; (c) the

Chancellor of the Diocese;

(d) the Vice-Chancellor of the Diocese;

(e) clerics, other than members of the College of Deacons, licensed by the Bishop to any office in the Diocese;

(f) four representatives of the Association of Retired Clerics;

(g) two representatives of the College of Deacons;

(h) Lay Members of Synod representing the Parishes of the Diocese;

(i) Church Army Officers and Professional Lay Ministers who are under stipend and licensed by the Bishop.

(j) Clerics who have been appointed by the Bishop to an interim incumbency.

(2) Other members of the Synod, and those to whom the courtesies of the Synod are extended, are entitled to speak at sessions of the Synod, but not to introduce or vote on any measure, or be eligible for election to any office of the Synod or to the General or Provincial Synods.

Other Persons Attending Synod

14. Any persons, not being members of Synod, may attend meetings of Synod, subject however to the directions of the President of Synod who may require any non-members of Synod to leave any meeting of Synod.

Meetings of Synod

15. The Synod shall meet not less frequently than once every two years.

Special Synod

16. A special meeting of Synod may be called by the Bishop at any time.

Time, Place and Adjournment

17. The time and place of a meeting of Synod shall be fixed by the Bishop in consultation with the Diocesan Executive Committee, and the Bishop shall also adjourn Synod as the Bishop shall see fit.

Notice of Meeting of Synod

18. (1) At least three months before the date fixed for the meeting of Synod the Bishop shall:

(a) send written notice of the meeting to the Incumbent of each parish;

(b) require the Incumbent of each parish to advise each Lay Member of Synod and each substitute Lay Member of Synod of the date and place of the meeting of Synod; and

(c) make such other publication of the date and place of Synod as shall be considered by the Bishop appropriate to bring notice of the meeting to all members of Synod.

(2) The notice of meeting of Synod shall indicate what special business, if any, will be conducted at Synod, and shall invite members of Synod to submit to the Synod Agenda and Resolutions Committee notices of motion intended to be brought before the meeting of Synod for debate.

Appointment of Committees for a Regular Meeting of Synod

19. At least two months before the date of any Synod the Bishop shall appoint:

    (a) the Synod Agenda and Resolutions Committee;

    (b) the Synod Nominations Committee, composed of at least one member of Synod from each Regional Deanery in the Diocese; and

    (c) the Synod Credentials and Registration Committee, composed of at least one member of the Order of Clerics and one member of the Order of Laity.

Agenda and Resolutions Committee

20. (1) The Synod Agenda and Resolutions Committee shall prepare an agenda for the meeting of Synod and shall receive from members of Synod notices of motion intended to be brought before the meeting of Synod for debate.

    (2) The Synod Agenda and Resolutions Committee shall act as a steering committee for the meeting of Synod.

Nominations Committee

21. The Synod Nominations Committee shall prepare a list of candidates to stand for such elections as will occur at the Synod.

Committee on Credentials and Registration

22. The Committee on Credentials and Registration shall examine the credentials of the Lay Members of Synod as they register at the meeting of Synod, and shall prepare a roll of clerics and a roll of Lay Members registered and shall report to the meeting of Synod on registration and credentials.

Agenda for Meeting of Synod

23. (1) At least one month prior to the meeting of Synod, the Synod Agenda and Resolutions Committee shall submit its proposed agenda for the meeting of Synod to the Bishop and the Diocesan Executive Committee for approval.

    (2) The proposed agenda, having been approved or revised by the Diocesan Executive Committee, shall be submitted to the members of Synod for adoption at the opening of the Synod.

Convening Circular

24. At least two weeks prior to the date fixed for Synod, the Synod Agenda and Resolutions Committee shall circulate to all members of Synod a convening circular containing the proposed agenda for the meeting of Synod as approved by the Bishop and the Diocesan Executive Committee, together with notice of motions intended to be brought before the meeting of Synod for debate.

Quorum

25. A quorum of the Synod shall consist of at least one-half of the voting members of each Order of the Synod, except where by Canon it is provided that the quorum required for any particular or special business shall be some other portion of the members of Synod.

Officers of Synod

26. The Officers of Synod shall be the following:

(a) the Bishop as President;
(b) the Chancellor;
(c) the Vice-Chancellor;
(d) the Diocesan Solicitor;
(e) the Diocesan Executive Officer; (g) the Chair of the Synod Agenda Committee; (h) the Recorders.

Recorders

27. There shall be a Clerical Recorder and a Lay Recorder elected from among their number by the members of Synod at each meeting of Synod, and such persons shall remain in office until the next regular meeting of the Synod. Their duties shall be to take Minutes of the proceedings of the Synod, and, following the meeting of the Synod, to assist the Diocesan Executive Officer in preparing the Minutes for publication in the Synod Journal.

Motions

28. (1) No motion except a motion proposed by the Bishop or by a Committee, or a motion in course, shall be considered by Synod unless reasonable notice thereof shall have been given and it is reduced to writing; and if notice thereof has not been given to the Diocesan Executive printing of the Convening Circular, then, if any voting member objects, it shall be considered only with the consent of a majority of the voting members of Synod present.

(2) Motions dealing with expenditures which result in increased cost to the Diocese may be approved in principle, subject to the decision of the Diocesan Executive Committee as to the availability of funds.

Votes by Synod and Votes by Orders

29. Unless it is elsewhere directed by this Constitution or by Canon that a decision on a specific question requires more than a simple majority, no Act or Resolution of Synod shall be valid unless it receives a majority of fifty per cent plus one of the votes of the voting members of Synod present at the meeting of Synod; such majority to be a majority of the clerics and of the Lay Members voting collectively, unless a vote by Orders is demanded by not fewer than five members of each Order, in which case such a majority shall be a majority of each Order voting separately.

Assent of the Bishop

30. No Act or Resolution of the Synod shall be valid unless it receives the assent of the Bishop.

Journal of Synod

31. The Diocesan Executive Officer shall, on conclusion of Synod, prepare a journal of the meeting of Synod which shall contain:

(a) the Minutes of the proceedings of the Synod;

(b) copies of all documents tabled at the meeting of Synod.

Rules of Order

32. The Rules of Order to be used at meetings of Synod shall be those established from time to time by the Synod.

CHAPTER 3

DIOCESAN ADMINISTRATION

A. THE DIOCESAN EXECUTIVE COMMITTEE

Function

1. There shall be a Diocesan Executive Committee the primary purpose of which shall be to vision and plan with respect to the mission and ministry of the Diocese. This Committee shall, between meetings of the Synod, manage the affairs of the Diocese and shall exercise all powers of the Synod as are not required by any Act, Constitution, Canon or Regulation to be exercised by the Synod in regular or special session, including the executive powers of the Synod conferred by *An Act to Provide for the Restructuring of the Anglican Diocese of Newfoundland.*

Membership

2. The Diocesan Executive Committee shall consist of:

(i) The Bishop;
(ii) The Dean; (or in the absence of a Dean, a cleric appointed by the Bishop)
(iii) The Chancellor;
(iv) The Diocesan Executive Officer;
(v) The Territorial Archdeacons;
(vi) one cleric per Archdeaconry, elected by Archdeaconry caucus;
(vii) two lay representatives per Archdeaconry elected by Archdeaconry caucus.

Officers

3. (1) The Bishop shall Chair the Diocesan Executive Committee. In the Bishop's absence the Commissary or the Administrator, as the case may be, shall act as Chair.

(2) The Diocesan Executive Committee, at its first meeting after the Synod, shall appoint a person not otherwise a member of the Committee to be the Recording Secretary of the Committee, such Secretary to have no voice and no vote at meetings of the Diocesan Executive Committee.

Term of Office

4. (1) The members of the Diocesan Executive Committee shall hold office until their successors are elected or appointed, provided that the qualifications by which they were elected or appointed remain in effect.

(2) (a) Following absence by an elected or appointed member of the Diocesan Executive Committee from two consecutive Committee Meetings, without reasonable cause, membership on Diocesan Executive Committee of such person may be terminated by the Bishop as Chairperson.

(b) Unless excused by the Chair, failure to attend at least 50% of any Diocesan Executive Committee Meeting shall constitute an absence from that particular meeting.

(c) Vacancies that occur on the Diocesan Executive Committee between regular sessions of the Synod shall be filled by appointment of the Bishop for the duration of the term.

Meetings

5. (1) The Diocesan Executive Committee shall meet not less than three times a year, in accordance with by-laws approved by the Committee. It is permissible for Diocesan Executive Committee meetings to be conducted by electronic means.

(2) Special meetings of the Diocesan Executive Committee may be called at any time by the Bishop, or, in the Bishop's absence or inability to act, by the Commissary or the Administrator, as the case may be, or upon the written requisition of any six members to the Diocesan Executive Officer; one week's notice of the meeting being given.

Quorum

6. A quorum shall be fifty per cent of the members plus one, provided that the Bishop (or, in the Bishop's absence, the Commissary or the Administrator, as the case may be) is present, and each of the three Archdeaconries is represented at the meeting. No resolution of the Diocesan Executive Committee shall become effective without the concurrence of the Bishop and a majority of the members present and voting.

Operations

7. (1) The Diocesan Executive Committee may enact by-laws for its own guidance. A copy of such by-laws shall be circulated at the next regular meeting of the Synod and shall be subject to review by the Synod.

(2) The Diocesan Executive Committee may make Regulations and Policies for the more effectual implementation of any part of the Constitution and Canons and of any Rule of the Synod;

(3) The Diocesan Executive Committee may appoint sub-committees and delegate to them specific duties and responsibilities. Such sub-committees shall report in writing as directed by the Diocesan Executive Committee.

(4) The Bishop may, with the approval of the Diocesan Executive Committee, establish, amend the boundaries of, or disestablish any congregation or parish in the Diocese.

Reporting

8. The Diocesan Executive Committee shall submit to each regular meeting of the Synod a report in writing of its work and deliberations for the period since the previous regular meeting, together with an audited statement of the funds, investments and securities of the Synod.

B. THE ARCHDEACONRIES

9. There shall be three Archdeaconries of the Diocese of Eastern Newfoundland and Labrador,

named Avalon, Labrador, and Trinity/Conception/Placentia. These encompass the three major geographical areas of the diocese.

Function:

10. The Archdeaconries have the responsibility to provide oversight to ministry in the following areas: pastoral, administrative, outreach, and mission.

Membership

11. The Archdeaconries shall consist of:
    (1) The Territorial Archdeacon
    (2) The licensed, active clergy in parishes and other institutions within the Archdeaconry

Officers

12. (1) The Territorial Archdeacon shall Chair the Archdeaconry meetings. In the Archdeacon's absence, the senior cleric by appointment in the Archdeaconry shall act as chair.

    (2) The Archdeaconry, at its first meeting after the Synod, shall appoint a person to be the Recording Secretary.

    (3) Other Officers shall be appointed or elected by the Archdeaconry, based on need.

Duties

13. The Archdeaconry shall:
    (1) Explore issues and strategies for mission in the Archdeaconry.
    (2) Implement the Diocesan Ministry Plan at the Archdeaconry level.
    (3) Liaise with the Regional Deans and Deaneries as to their work and ministry.
    (4) Hold Archdeaconry Council meetings with elected Synod delegates, both lay and clerical, when need arises, as determined by the Territorial Archdeacon.

Meetings

14. The Archdeaconry shall regularly meet to conduct its business, at least four times per year, at times coordinated by the Archdeacon.

Reports

15. At each meeting of the Archdeaconry, the Territorial Archdeacon shall present a report on the work of the Archdeaconry.

C. THE LEGISLATIVE COMMITTEE

Function

16. There shall be a Legislative Committee which shall oversee all legal matters pertaining to the Diocese and its property. This shall include, but not be limited to sale, purchase, rental or lease of property and buildings; and the issuing of faculties pertaining to cemeteries and other properties. They shall also convey to the Bishop and the Diocesan Executive Committee the constitutional and canonical requests of the Synod, The Bishop and the Diocesan Executive Committee.

Membership

17. (1) The Legislative Committee shall consist of:

(a) The Bishop;
(b) The Dean; (or in the absence of a Dean, a cleric appointed by the Bishop)
(c) The Chancellor;
(d) The Diocesan Executive Officer
(e) Three members of Synod either lay or cleric appointed by the Diocesan Executive Committee at its first meeting after each regular session of the Synod, for their expertise.

(2) Members of the Legislative Committee shall hold office until their successors are appointed.

(3) The Chancellor shall act as Chair of the Legislative Committee. In the absence of the Chancellor, the Bishop shall act as Chair.

(4) The Legislative Committee shall appoint a person from amongst their number to be the Recording Secretary.

Meetings

18. (1) The Legislative Committee shall meet as necessary to carry out its business, but no less frequently than once per quarter.

(2) Vacancies in the membership of the Legislative Committee shall be filled by the Bishop in the case of persons appointed by the Bishop, and by the Bishop in Council in the case of clerical or lay representatives. A vacancy may be declared by the Legislative Committee in the place of any member who fails to attend two consecutive meetings of the Council except by reason of sickness or other reason able or unavoidable cause.

Quorum

19. A quorum for a Legislative Committee meeting shall be fifty percent plus one of its members with either the chancellor or the Bishop being present.

Duties

20. The Legislative Committee shall:

(a) Receive and review any proposed amendments to the Constitution and Canons of the Diocese;

(b) Report to the Diocesan Executive Committee and to the Synod the Committee's views on any proposed amendment to the Constitution and Canons of the Diocese, and the Committee's recommendations as to what action should be taken on such proposed amendments;

(c) Keep under review provincial legislation as it concerns the Church, and the Constitution and Canons of the Diocese, and recommend to the Diocesan Executive Committee and to the Synod any amendments that may be required from time to time;

(d) Carry out such other duties as may be assigned to the Committee by the Diocesan Council or the Synod from time to time.

(e) Oversee, review and conduct all legal matters pertaining to the Diocese.

Reports

21. The Legislative Committee shall report to the Diocesan Executive Committee.

D. DIOCESAN OFFICE

22. The Synod shall maintain an office staffed by such persons as are necessary for the efficient operation of the Diocese.

Membership

23. The Diocesan Executive Committee shall from time to time determine the personnel needs of the Diocesan Office, establish the titles and job descriptions of the various positions, and the remuneration and benefits appropriate thereto.

CHAPTER 4

STANDING COMMITTEES OF THE DIOCESEAN EXECUTIVE COMMITTEE

1. There shall be at least two standing committees of the Diocesan Executive committee, namely:
   (a) The Finance Committee
   (b) The Lavrock Management Committee

THE FINANCE COMMITTEE:

Function

2. The Finance Committee shall be responsible, under the Diocesan Executive Committee, for supervision of all matters including, but not limited to finance, pensions, insurance, property, investments, budgets, financial reports, and related matters. To transact, deal with, consider, or report upon such other business and matters as the Diocesan Executive Committee may from time to time generally or specifically authorize or request it to transact, deal with, consider or report upon. The Finance Committee shall also prepare the annual Diocesan Budget and submit it to the Diocesan Executive Committee for approval.

Membership

3. (1) The Finance Committee shall consist of:
   (1) The Bishop;
   (2) The Diocesan Executive Officer;
   (3) The Honorary Treasurer;
   (4) Diocesan Representative on the Glebe Committee;
   (5) Three clerical members appointed for their expertise by the Diocesan Executive Committee at the first meeting following Synod
   (6) Three lay members appointed for their expertise by the Diocesan Executive Committee at the first meeting following the Synod.
   (7) The Finance Officer who is a non-voting member of the Committee.

Officers

4. (1) At the first meeting of the Finance Committee following the Synod the members shall elect one of their number to be the Chair of the Committee.

   (2) The Finance Committee, at its first meeting after Synod, shall appoint a person not otherwise a member of the Committee to be the Recording Secretary of the Committee, such Secretary to have no voice and no vote at meetings of the Committee.

   (3) Vacancies among the members appointed by the Diocesan Executive Committee shall be filled by appointment by the Diocesan Executive Committee.

Meetings

5. The Finance Committee shall meet as necessary to carry out its business, but no less frequently than once per quarter, except in the months of July and August, at such times and places as the Chair, in consultation with the Bishop, shall decide. Special Meetings may be called as needed by the Chair in consultation with the Bishop.

Quorum

6. A quorum shall be fifty percent of the members plus one, provided that at least one of the members appointed by the Diocesan Executive Committee is present.

Duties

7. The Finance Committee shall receive, consider, and make recommendations to the Diocesan Executive Committee on any proposal by the Bishop or any petition from a Vestry or Parish Council or group of not fewer than twenty members of the Church, to establish, amend the boundaries of, or disestablish, any parish or congregation.

8. Before making recommendations on any such particular proposal or petition, the Finance Committee shall consult with the Incumbent(s) and Parish Council(s) or Vestry(ies) and Territorial Archdeacon(s) whose areas of oversight may be affected by such proposal or petition, and shall make provision for the people of the Church in that area to make their views known with respect to any rearrangement.

9. Subject to Canon 5.45, receive and consider all applications from parishes in the Diocese for repairs, maintenance, construction, sales or purchases of property or for the respective parish, subject to the following:
    (a) All such applications shall be submitted to the Finance Committee in accordance with the provisions of Canon 5.46;
    (b) The Finance Committee shall have authority to approve expenditures, works and borrowing for property and works up to a limit established by the Diocesan Executive Committee;
    (c) Should an application come forward from a parish to expend in excess of the limit the Finance Committee has been authorized to approve, the proposal must be reviewed and, if approved in principle, be referred to the Diocesan Executive Committee for final approval.
    (d) Should an application come forward from a parish that is in debt to the Diocese, the Finance Committee must request the presence of the Bishop at the meeting at which such application is to be considered.

Reports

10. The Finance Committee shall submit to each meeting of the Diocesan Executive Committee a report in writing of its work since the previous meeting of the Diocesan Executive Committee, together with any recommendations requiring approval of the Diocesan Executive Committee.

THE LAVROCK MANAGEMENT COMMITTEE

Membership

11. The Lavrock Management Committee shall consist of;
    (a) The Diocesan Executive Officer;
    (e) Four Persons, lay or cleric, recommended for appointment by the Diocesan Executive Committee for their expertise;
    (f) The Finance Officer who is a non-voting member of the Committee.

12. The Lavrock Management Committee shall develop its own rules creating terms of office for appointed Committee Members so as to ensure a timely rotation of members while maintaining continuity of service, provided that members shall serve for two-year terms only and be eligible for reappointment only once following which each member must retire for at least one year.

13. All appointments to the Lavrock Management Committee shall be subject to ratification by the Diocesan Executive Committee.

Officers

14. (1) At the first meeting of the Lavrock Management Committee following the Synod the members shall elect one of their number to be the Chair of the Committee.

(2) The Lavrock Management Committee, at its first meeting after Synod, shall appoint a person who is a member of the Committee to be the Recording Secretary of the Committee.

(3) Vacancies among the members appointed by the Diocesan Executive Committee shall be filled by appointment by the Diocesan Executive Committee.

Duties

15. The duties of the Lavrock Management Committee shall be:
    (a) To manage and operate the Lavrock Cam and Conference Centre;
    (b) To oversee the maintenance and development of the physical resources and programs for the Lavrock Camp and Conference Centre
    (c) To submit to the Diocesan Executive Committee, on an annual basis,
        (1) Financial reports with respect to the day-to day operation of the Lavrock Camp and Conference Centre
        (2) A balance operating budget;
    (d) To make recommendations to the Diocesan Executive Committee with respect to the operation, management and future development of the Lavrock Camp and Conference Centre.

16. The Lavrock Management Committee shall report in writing to each regular meeting of the Diocesan Executive Committee with respect to the operations, program, maintenance and development of the Lavrock Camp and Conference Centre.

CHAPTER 5

DIOCESAN FINANCES

FINANCIAL AFFAIRS

General

1. Pursuant to the provisions of *The Diocesan Synod Property Act, 1877*, all lands, moneys, and other property granted and collected and that shall hereafter be granted and collected for Church purposes generally in the Diocese, except as is hereafter provided, shall vest in and be placed under the control of the Synod.

2. If any land, money or property shall be given or granted to and accepted by the Synod for a special purpose to be designated in writing at the time such gift or grant, such land or other property, shall be held and appropriated by the Synod for and pursuant to such purposes.

MANAGEMENT

Banking

3. (1) The Diocesan Council may delegate to the Administration and Finance Committee the right to appoint a chartered bank in Canada as the custodian of the funds and all securities of the Synod, except mortgages, upon such terms as may be agreed upon by such bank and the Finance Committee.

(2) The bank account of the Synod shall be kept in the name of the Synod of the Diocese of Eastern Newfoundland and Labrador.

(3) The Diocesan Executive Committee, at its first meeting after the meeting of the Synod, shall appoint signing officers for the Diocese. Two signatures must be affixed to all cheques and bills of exchange, one of which must be either the Finance Officer, the Diocesan Executive Officer, or a person specifically designated as such by the Diocesan Executive Committee.

(4) The signing officers of the Diocese as established by the Diocesan Executive Committee are authorized for and in the name of the Synod to:

(a) draw, accept, sign and make all or any bills of exchange, promissory notes, cheques and orders for the payment of money;

(b) pay and receive all monies and to give acquittance for the same;

(c) assign and transfer to the bank acting as custodian all or any stocks, bonds and other securities, and from time to time to borrow money from such bank either by overdrawing the account or otherwise; and,

(d) generally for and on behalf of the Diocese to transact with the bank any business.

(5) The Finance Officer, or in that individual's absence, a person specifically designated by the Finance Committee, is authorized on behalf of the Diocese to negotiate with, deposit with, or transfer to the bank acting as custodian of the funds and securities of the Synod, but for the credit of the Diocese's account only, all or any bills of exchange, promissory notes, cheques or orders for the payment of money and other negotiable paper, and for the said purpose to endorse the same or any of them on behalf of the Diocese, and also from time to time to arrange, settle, balance and certify all books and accounts between the Diocese and the bank, and to receive all paid cheques and vouchers and to sign the bank's form of settlement of balances and release.

4. (1) The Diocesan Executive Committee through its Finance Committee shall manage all the funds held by or under control of the Synod, and all lands vested in the Synod; and shall take charge of and administer such funds, and the proceeds arising from the sales of all such lands, in accordance with the trusts upon which they are held and the provisions of any Canons or regulations which the Synod may lawfully enact.

(2) All funds held by or under the control of Synod, including funds held in the name of a Parish or Parish Council or affiliated with any other organization or committee, coming under the control of the Synod shall be invested or reinvested only in the Anglican Joint Investment Trusts as maintained by the Joint Committee or in securities or investments authorized by the Trustees Act, 1990 R.S.N. c. T-10.

(3) The Bishop, as Chair of the Diocesan Executive Committee, or in the Bishop’s Commissary or the Administrator shall execute, using the Diocesan Seal, any deeds and other documents on behalf of the Synod as authorized by the Diocesan Executive Committee or the Finance Committee.

(4) Separate and distinct account of each and every such trust, showing the capital of the same, shall be kept, and the income received and accruing from the several investments so made of the whole of the said general trust fund shall be divided amongst the several trusts as aforesaid pro rata in the proportion borne by each separate trust fund to the general trust fund, after deducting

from such receipts not more than ten per cent thereof for the expenses of management, investment and administration.

Budget

5. The Diocesan Executive Committee shall adopt a budget for diocesan revenue and expenditure for the ensuing year.

Revenues

6. The Synod shall establish a system by which the contribution required from each parish in the Diocese to the annual expenses of the Diocese is equitably determined.

7. The Diocesan Executive Committee shall:

   (a) annually, on the recommendation of the Administration and Finance Committee, implement the system established by Synod to ensure contribution by each Parish sufficient to cover the annual expenditure budget of the Diocese;

   (b) from time to time determine which, if any, funds, investments or other assets of the Parish are exempt from assessment by the Synod for contribution to the annual expenses of the Diocese;

   (c) require the payment of the annual Parish Assessment by a Parish to be paid annually, semi-annually, monthly or on other time basis as the Diocesan Executive Committee shall deem appropriate for that particular Parish;

   (d) require the payment of interest at a current rate, to be determined by the Finance Committee, to be paid by any Parish on any assessment or other amount owing by that Parish.

Expenditure

8. The first charge on diocesan revenues and funds shall be the support and expenses of the Bishop and diocesan staff.

9. The Diocesan Executive Committee shall adopt such procedures as are necessary to ensure that expenditures are made only upon proper authority and the Secretary-Treasurer of Synod shall administer the procedures so adopted.

Records

10. The Secretary-Treasurer of Synod shall ensure that an accurate record is maintained of all revenues received by the Diocese and of all expenditures made by the Diocese.

Auditor and Accounts Examination

11. The Synod shall elect an auditor who shall be either a Chartered Accountant, or a firm of Chartered Accountants, licensed to do business in the Province of Newfoundland.

12. In the case of a vacancy in the office of auditor, the Diocesan Executive Committee shall make an appointment to continue until the next Synod.

13. The auditor shall review the financial books, records and statements of the Diocese annually and report to the Diocesan Executive Committee following such review.

14. The Diocesan Executive Committee may by resolution require at any time an audit of the financial books, records and statements of the Diocese to be performed by the auditor in addition to or instead of the annual review.

15. The Diocesan Executive Committee may require at any time an audit or review of any project or financial statement of the Diocese to be performed by the auditor.

Reports

16. The report of the auditor upon the financial records of the Diocese for each year shall be presented to the Diocesan Executive Committee as soon as is practical after the report is completed.

17. The report of the auditor of the Diocese upon the financial records of the Diocese for each year shall be presented to the Synod at the meeting of Synod next following the year to which the report relates.

18. The Secretary-Treasurer of Synod shall ensure that reports required by the Provincial Synod and by the General Synod of the Anglican Church of Canada regarding the finances of the Diocese are provided.

CAPITAL FUNDS

19. There shall be the following Capital Funds held equally by the Diocesan Synod of Eastern Newfoundland and Labrador, the Diocesan Synod of Central Newfoundland, and the Diocesan Synod of Western Newfoundland:

    The Diocesan Mission Fund The
    Clergy Sustentation Fund The
    Bishopric Endowment Fund
    The Newfoundland Pension Fund.

20. These Funds shall be invested in the Anglican Joint Investments Trust as maintained by the Joint Committee.

21. The Diocesan Executive Committee shall appoint such members to the Investment Committee as the Joint Committee shall deem necessary from time to time.

Diocesan Mission Fund

22. Interest received by the Diocese from the Diocesan Mission Fund shall be used for the maintenance of the clerics and for the payment of the permanent and incidental expenses of the Church as the fund was heretofore used by the Diocesan Synod of Newfoundland.

Clergy Sustentation Fund

23. Interest received by the Diocese from the Clergy Sustentation Fund shall be used for the sustentation of clerics as the fund was heretofore used by the Diocesan Synod of Newfoundland.

Bishopric Endowment Fund

24. Interest received by the Diocese from the Bishopric Endowment Fund shall be used to provide or assist in providing the stipend of the Bishop or Bishops of the Diocese as the Bishopric Maintenance and the Bishopric Endowment Funds were heretofore used by the Diocesan Synod of Newfoundland.

Newfoundland Pension Fund

25. Interest received from the Newfoundland Pension Fund by the Diocese, on its own behalf and on behalf of the Diocesan Synod of Central Newfoundland and the Diocesan Synod of Western Newfoundland, shall be used for the purpose of paying the liability of the former Diocesan Synod of Newfoundland to the General Synod Pension Fund pursuant to the obligation expressed and accepted in the resolution of the Forty-Third Biennial Session of the Diocesan Synod of Newfoundland (1959) and the Executive Committee of the Diocese of Newfoundland decision of January 15th,
1976, the balance (in accordance with the Agreement on the Division of Assets) to be distributed to retired clerics, clerics' widows and orphans as designated, on an equitable basis to be determined from year to year by the Joint Committee.

CHAPTER 6

ENACTMENT AND AMENDMENT OF THE CONSTITUTION AND CANONS

Empowerment

1. The Synod may from time to time amend this Constitution and may enact and amend Canons to effect the better government of the Diocese.

Role of Legislative Committee, Diocesan Executive Committee

2. No proposed amendment of this Constitution or proposed Canon or amendment of a Canon shall be put to a vote of Synod unless such proposal has first been considered by the Legislative Committee and the report of the Legislative Committee has been received and considered by the Diocesan Executive Committee and presented to Synod.

Constitution

3. (1) An amendment of this Constitution shall be valid if approved by the Bishop and by a two-thirds majority of the members of each Order of Synod present at the meeting of Synod voting by Orders.

Canons

(2) The enactment or amendment of a Canon shall be valid if approved by the Bishop and by a majority of the Synod members present at the meeting of Synod voting collectively; unless a vote by Orders is demanded by at least five members of Synod, in which case a majority of each Order voting separately shall be required.

Corrections, Matters of Form

4. Notwithstanding any other provision of this Constitution, the Legislative Committee may make such corrections and alterations to this Constitution and to the Canons as it considers necessary, provided that such corrections and changes relate only to matters of form and not to matters of substance, and provided further that any such correction or alterations shall be reported to the next following regular meeting of Synod and may be set aside by a majority of those members present and voting.

CANON 1

THE BISHOP

FUNCTIONS AND DUTIES OF THE BISHOP

Functions

1. The Bishop shall function as the President, Chief Pastor, Chief Liturgical Officer, and Chief Administrative Officer of the Diocese.

Residence

2. The Bishop shall reside within the territorial limits of the Diocese and shall not be absent from the Diocese for more than three months consecutively without the consent of the Diocesan Executive Committee.

Visitations

3. The Bishop shall visit each parish within the Diocese at least once in each year, if possible.

Charges and Addresses

4. The Bishop shall, from time to time, deliver a written address, traditionally known as an *Ad Clerum,* to the clerics of the Diocese, and may also, from time to time, address all the people of the Diocese in Pastoral Letters, on matters of Christian doctrine, worship and conduct, which letters the Bishop may require the clerics to read in all their congregations.

5. At each regular meeting of Synod, the Bishop shall address the Members of Synod in a Charge expressing the Bishop's vision, hopes and concerns for the life of the Church, together with a statement of the affairs of the Diocese since the last regular meeting of Synod, which statement shall include:

    (a) the names of the congregations the Bishop has visited;

    (b) the numbers the Bishop has baptized, confirmed, or received;

    (c) the names of those received as Candidates for Holy Orders;

(d) the names of those who have been ordained;

(e) any changes in the ministry of the Diocese by death, removal, or otherwise; and

(f) any other matters pertaining to the life of the Diocese which the Bishop desires to bring to the attention of the Synod.

6. The Charge and the statement presented to the Synod by the Bishop under Section 5 shall be published in the Journal of Synod.

Records of Episcopal Acts

7. The Bishop shall maintain a record of all the official acts of the Bishop, which record shall be the property of the Diocese.

Membership on Committees

8. The Bishop shall be an *ex officio* member of all standing and ad hoc committees of the Synod and of the Diocesan Executive Committee.

Duties of Coadjutor, Suffragan, or Assistant Bishop

9. The Coadjutor, Suffragan, or Assistant Bishop shall perform such diocesan duties and exercise such episcopal authority and functions as the Bishop shall assign; and in case of the Bishop's inability to assign such duties, and during the vacancy of the See, the Coadjutor, Suffragan, or Assistant Bishop shall perform all the spiritual duties of the Bishop.

EXPENSES OF THE BISHOP

10. It shall be the responsibility of the Synod to ensure that a stipend and all other reasonable expenses necessary for the maintenance of the Bishop and for the carrying out of the function and duties of the Bishop are paid, and payment of such expenses shall be a first charge on the diocesan funds.

ON THE VACANCY OF THE SEE

Succession of the Coadjutor Bishop

11. If there is a Coadjutor Bishop of the diocese such Coadjutor Bishop shall immediately succeed as Bishop upon the resignation, death or removal from office of the Bishop.

Ecclesiastical Province of Canada

12. The provisions of the sections of this Canon 1 relating to the election of bishops are subject to the provisions of the Constitution, Canons and Rules of Order of the Ecclesiastical Province of Canada respecting the election of a Bishop.

The Electoral Synod

13. Where there is no Coadjutor Bishop an electoral synod shall be called to elect a Bishop where:

(a) a vacancy occurs in the office of Bishop through the resignation, death or removal from office of the Bishop;

(b) the Bishop has submitted a resignation to the Metropolitan and less than six months remain until the effective date of the resignation; or

(c) the Bishop has attained the age of sixty-nine years and six months.

14. The electoral synod shall be called:

(a) by the Bishop when he or she has announced an intention to resign the See or to retire, provided that such synod be called to meet not more than ninety days prior to the effective date of such resignation or retiring; or

(b) by the Administrator following the vacancy of the See, provided that such synod be called not less than thirty nor more than ninety days of the vacancy occurring.

15. The Bishop or the Administrator, as the case may be, shall invite the Metropolitan of the Ecclesiastical Province of Canada, or such other bishop as the Metropolitan may designate, to preside at the electoral synod.

16. No business shall be transacted by the electoral synod except meeting and organizing itself, calling the rolls, and electing a Bishop or making provision for filling the See.

Episcopal Nominating Committee

17. (a) Within two weeks of an electoral synod being called the Diocesan Executive Committee shall appoint an Episcopal Nominating Committee to consist of at least three clerical and at least three lay members of the diocesan synod and shall name the Convenor of the Episcopal Nominating Committee.

(b) When the Diocesan Executive Committee appoints members of the Episcopal Nominating Committee it shall also name a number of substitute clerical and lay members equal to the numbers of such members appointed. These substitute members shall, in order of appointment, replace any members of the Episcopal Nominating Committee who withdraw from membership prior to the commencement of the electoral synod.

(c) Any clerical member of the Episcopal Nominating Committee who accepts nomination for episcopal election shall withdraw from membership in the Episcopal Nominating Committee before the Episcopal Nominating Committee gives consideration to the nomination, and shall be replaced by a substitute member.

18. Within one week of its being appointed the Convenor shall call the first meeting of the Episcopal Nominating Committee. At this first meeting the members shall elect from their number a Chair and a Secretary and determine its procedures.

Duties of the Episcopal Nominating Committee

19. It shall be the responsibility of the Episcopal Nominating Committee:

(a) to prepare for the approval of the Diocesan Executive description of the general requirements of the episcopal position to be filled and the general qualifications and specific qualities the Episcopal Nominating Committee considers to be desirable in the person to be chosen to be Bishop;

(b) to circulate the list of requirements and qualifications throughout the diocese after it has received the approval of the Diocesan Executive Committee, and to call for written nominations of persons to be elected Bishop;

(c) to receive nominations as provided in Section 21;

(d) to determine which of the persons so nominated meet, in the opinion of the Episcopal Nominating Committee:

i. the canonical requirements for election; and

ii. the requirements, qualification and qualities determined pursuant to clause (a) of this Section 19;

(e) to inform the proposers of any person so nominated if the Episcopal Nominating Committee does not intend to submit that nomination to the electoral synod;

(f) should there be fewer than two nominations received to be submitted to the electoral synod, to determine the names of other persons who, in the opinion of the Episcopal Nominating Committee, meet:

i. the canonical requirements for election; and
ii. the requirements, qualification and qualities determined pursuant to clause (a) of this Section 19;

(g) to inquire of such persons identified pursuant to subsection (f) whether they consent to being nominated for election and to obtain from those who do consent written confirmation of such consent;

(h) to prepare a list, arranged alphabetically by surname, of the persons whose nominations will be submitted to the electoral synod;

(i) to obtain from the proposers, from the persons to be nominated to the electoral synod, or from other sources, a *curriculum vitae* of the nominees, together with any other documentation relevant to the nomination;

(j) To prepare appropriate information about each person to be nominated for communication to the members of the electoral synod in such manner that:

i. there is at least a brief *curriculum vitae* for each person to be nominated;

ii. the information to be communicated is in a standard format and reproduced in a uniform quality; and

iii. the identity of the persons who proposed any nominee pursuant to this Section is not communicated to the members of the electoral synod; and

(k) present its report to the electoral synod and formally nominate the persons listed pursuant to clause (h).

Nominations

20. Any priest with at least six consecutive years of good standing in Holy Orders in the Anglican Church of Canada, or of some Church in full communion therewith, who is at least thirty years of age may be elected to episcopal office in the Diocese.

21. Nomination of candidates for election to the office of Bishop shall be made in writing to the Episcopal Nominating Committee not later than two months before the commencement of the meeting of the electoral synod, in a form prescribed by the Diocesan Executive Committee. Such nominations must include the nominee's consent in writing, and be proposed by three clerical and three lay members of Synod (no more and no less) who shall not all be from the same parish. Candidates nominated must meet the requirements of the Constitution, Canons and Rules of Order of the Ecclesiastical Province of Canada respecting the election of a Bishop.

22. At least one month before the date of the electoral synod the Secretary of the Episcopal Nominating Committee shall send to all members of the electoral synod the list of the persons whose nominations will be submitted to the electoral synod, with a *curriculum vitae* of each in a form approved by the Diocesan Executive Committee.

Quorum

23. No election of a Bishop shall take place unless at least seventy-five percent of the voting members of the Orders of clerics and lay members of Synod respectively be present. If the required number of clerics and/or lay members are not present, there shall be an adjournment of the session until the required quorum is obtained.

Plurality Required

24. The person who shall be chosen by the votes, taken by secret ballot, of at least two-thirds of the eligible clerics and of the lay members of Synod present and voting separately, shall, upon that person's acceptance, be declared to have been elected to the office of Bishop, subject to canonical approval.

Elimination of Nominees

25. Subject to Section 24 after each ballot, if a Bishop shall not have been elected, any nominees receiving no votes, and the nominee receiving the lowest number of Clerical and Lay votes in total shall be dropped from each succeeding ballot.

Deadlock

26. If, after such balloting has reduced the number of nominees to two, in the next ballot neither shall obtain the required majority, the members of synod may decide:

i. to continue balloting the two names before synod; or
ii. to adjourn and call another electoral synod within six months; or
iii. to request the House of Bishops of the Ecclesiastical Province of Canada to appoint a Bishop.

Such matters shall be decided by a simple majority in each Order of the clerics and the laity, save for a request to the House of Bishops to appoint a Bishop. Such request shall be made following the agreement of two-thirds of the clerics and two-thirds of the lay members of the electoral synod present and entitled to vote.

27. At any time after the fourth ballot the electoral synod may, by motion carried by a simple majority, direct the Chair to call for further nominations. Such nominations shall be made from the floor. Each nomination must be made jointly by one clerical member and one lay member of the electoral synod; with the consent of the nominee. A nominee whose name has been deleted pursuant to Section 28 may be re-nominated.

28. When further nominations are made pursuant to Section 27 the electoral synod shall recess until brief biographical information concerning each new nominee, in the form approved by the Diocesan Executive Committee, has been provided to the members of the electoral synod.

Rules of Order

29. The electoral synod shall, prior to the commencement of the first ballot, adopt, by simple majority, rules of order not inconsistent with the provisions of this Canon or of the Constitution, Canons and Rules of Order of the Ecclesiastical Province of Canada.

30. No discussion of or debate about the persons nominated shall take place from the floor of the synod, either during the session or during the balloting. A devotional atmosphere should be maintained

ELECTION OF COADJUTOR, SUFFRAGAN, OR ASSISTANT BISHOP

31. When the Synod shall consider it desirable, a Coadjutor Bishop, a Suffragan bishop, or an Assistant Bishop may be elected for the Diocese by the Synod, in the same manner as provided for the election of the Bishop in the case of a vacancy in the See, as nearly as can be observed, including the appointment of an Search Committee and the submission of nominations; except that:

    i. such election may take place at a regular session of the Synod or at a special session of the Synod, as the Bishop shall direct; and
    ii. the Bishop shall invite the representative in the Synod of The Association of Retired Clerics senior in priest's orders to preside at the election of such Coadjutor, Suffragan or Assistant Bishop.

32. An electoral synod shall be called to elect a Coadjutor or a Suffragan bishop where the Diocesan Executive Committee determines that the Bishop is unable to attend to all of the duties of the Bishop by reason of duly certified mental or physical incapacity. The Diocesan Executive Committee shall decide whether the electoral synod should elect a Coadjutor Bishop or a Suffragan bishop.

33. Except in case of the Bishop's duly certified mental incapacity, the election of the person chosen to be Coadjutor, Suffragan, or Assistant Bishop shall be subject to the Bishop's assent.

CANON 2

BISHOP'S APPOINTMENTS

A. Bishop's Appointments

1. The Bishop may appoint and remove persons to the following positions:

    a. The Diocesan Executive Officer;
    b. Archdeacons;
    c. The Archivist;Canons;
    d. The Chancellor/Vice Chancellor;
    e. The Dean;
    f. The Diocesan Solicitor;
    g. Regional Deans;
    h. The Registrar;
    i. The Bishop's Council;
    j. Chair of the College of Deacons;
    k. Examining Chaplain

ARCHDEACONS

2. Under ordinary circumstances, no person shall be eligible to receive the appointment of Archdeacon until that person has completed six years in priest's orders.

3. An Archdeacon's jurisdiction under the Bishop is exercised as an ordinary jurisdiction.

4. (a) The Bishop may appoint a priest serving in the Diocesan Office as Diocesan Archdeacon

    (b) Unless otherwise ordered by the Bishop, the Diocese shall be comprised of the Archdeaconry of Avalon East and West, the Archdeacon of Trinity and Conception and the Archdeaconry of Labrador, with the Archdeacon in each being termed a territorial Archdeacon

    (c) The Bishop may confer the title Archdeacon on other priests serving in the Diocese.

5. An Archdeacon shall assist the Bishop in the Bishop's pastoral care and office, and in particular an Archdeacon shall see that all such as hold any ecclesiastical office within the Archdeaconry perform their duties with diligence, and bring to the Bishop's notice anything requiring correction and amendment.

6. It is the right of the Archdeacon to conduct Visitations in that Archdeacon's jurisdiction and especially:

   (a) to promote the interests of the missionary tasks of the Church and the social services that can be rendered in each locality.

   (b) to enquire into the prospects of Church Extension, and, where such opportunities occur, to report them to the Diocesan Executive Committee.

   (c) An Archdeacon may depute the Regional Dean of the locality to see that the Archdeacon's instructions in the matters referred to in Section 6 above are carried out and sustained.

7. On receiving Letters Mandatory from the Bishop, an Archdeacon shall induct any cleric who has been instituted to an Incumbency into possession of the temporalities of the same.

8. Archdeacons shall be installed in the Cathedral by the Bishop, or by the Dean under the mandate of the Bishop.

9. Each Archdeacon shall have a Stall in the Cathedral and be a member of the Cathedral Chapter.

10. An Archdeacon who retires may be granted the title of "Archdeacon Emeritus" by the Bishop.

ARCHIVIST

11. The Bishop shall appoint The Diocesan Archivist who shall hold office during the Bishop's pleasure.

12. The Synod shall provide a secure place of deposit for the archival records of the Diocese.

13. It shall be the duty of the Diocesan Archivist:

(a) to establish and administer a continuing program for the management of current records created by the officers, committees, and other bodies of the Synod, and in consultation with Diocesan officials to select non-current diocesan records for long-term preservation in the Archives;

(b) to appraise and acquire for purposes of preservation and research non-diocesan records of all kinds, as well as other documentation relating to the history of the Diocese. Non-current parochial records shall be transferred to the Archives by parishes unless the parish has satisfied the Archivist that its records are being preserved in a secure archival environment;

(c) to access, arrange and describe the holdings of the Diocesan Archives according to currently accepted archival standards and procedures;

(d) to provide research and reference service for the staff of the Diocesan Office and other diocesan officials into the holdings of the Diocesan Archives;

(e) to prepare exhibits and present addresses at meetings and on special occasions, in order to encourage support of the archival program and to promote an interest in Anglican Church history in Newfoundland and Labrador.

(f) to provide research and reference services to serious researchers outside the Diocesan Office, with priority given to Church history;

(g) to make such regulations as are necessary for the day-to-day operation of the Archives;

(h) to Chair the meetings of the Archives Committee.

14. Diocesan Archivist, in cooperation with the Archives Committee, shall report to the synod on the Services, acquisitions and activities of the Archives.

CANONS

15. The Bishop may appoint up to six persons to be Canons of the Cathedral of St. John the Baptist.

CHANCELLOR AND VICE-CHANCELLOR

The Chancellor

16. The Bishop shall appoint a Chancellor who shall be a regular communicant, resident in the Diocese and be a barrister-at-law and a practising member of The Law Society of Newfoundland of at least ten years standing.

17. The Chancellor shall hold office for 5 years and may be reappointed at the Bishop's pleasure.

18. The Chancellor shall be, ex officio, a member of the Synod, the Diocesan Executive Committee, the Legislation Committee, and the Synod Agenda and Resolutions Committee.

19. It shall be the duty of the Chancellor to advise the Bishop, the Coadjutor, Suffragan or Assistant Bishop(s), the Bishop's Commissary or the Administrator, and the Diocesan Diocesan Executive Officer on all legal matters submitted to the Chancellor and all matters of discipline or cases of difficulty or doubt when requested so to do, and to act as Assessor in determining questions on points of order at any meeting of the Synod or of the Diocesan Executive Committee.

20. On the death or retirement of the Bishop the Chancellor shall tender his or her resignation of office to the Bishop's successor in the See.

The Vice-Chancellor

21. The Bishop may, after consultation with the Chancellor, appoint a Vice-Chancellor, who shall be a regular communicant, resident in the Diocese, and be a practising member of The Law Society of Newfoundland of at least five years standing.

22. The Vice-Chancellor shall be, ex officio, a member of the Synod, the Diocesan Executive Committee, the Legislation Committee and the Synod Agenda and Resolutions Committee. The Vice-Chancellor shall be a member with voice, but not vote, of the Diocesan Executive Committee and in the absence of the Chancellor may vote in place of the Chancellor.

23. The Vice-Chancellor shall hold office for five years, and may be reappointed at the Bishop's pleasure.

24. It shall be the duty of the Vice-Chancellor to assist the Chancellor in the fulfilment of the duties of Chancellor.

25. In the absence of the Chancellor, the Vice-Chancellor shall act in the place of the Chancellor, and shall have all the duties, powers, and responsibilities of the Chancellor.

DEAN

26. The Bishop may appoint the Rector of the Cathedral of St. John the Baptist to be Dean of the Diocese of Eastern Newfoundland and Labrador, who shall hold office at the pleasure of the Bishop and shall perform such duties as may from time to time be required by the Bishop.

DIOCESAN SOLICITOR

27. The Bishop may appoint a Diocesan Solicitor who shall be a practising member of The Law Society of Newfoundland as a Barrister and Solicitor within the Province of Newfoundland. The Chancellor or the Vice-Chancellor may be the Diocesan Solicitor.

28. The Diocesan Solicitor shall act professionally on behalf of the Diocese in all matters requiring the services of a solicitor except as may otherwise from time to time be decided by the Diocesan Executive Committee.

THE REGISTRAR

29. The Bishop shall appoint a Diocesan Registrar, The Registrar shall hold office during the pleasure of the Bishop.

30. The Registrar shall keep suitable books, to be provided by the Synod, in which shall be recorded such official acts of the Bishop or of the Synod as require record or registration.

31. It shall be the duty of the Registrar to enter and record:

    (a) a short description of the boundaries of the Diocese and of the several archdeaconries, regional deaneries and parishes therein.

(b) a list of the clerics of the Diocese from time to time with their academic standing and the respective dates of their admission as deacons, priests, or bishops, and a
list of the different parishes or appointments in which they have served.

(c) the election or appointment of clerics or laity to any office in the Diocese, such as Chancellor, Dean, Archdeacon, Canon, Honorary Canon, Registrar or Regional Dean.

(d) all letters of orders, licenses, letters of institution, mandates of induction, and the results thereof, and other official instruments issued by the Bishop to the clerics of the Diocese from time to time.

(e) all confirmations, and all consecrations of churches and cemeteries.

32. The Registrar shall be the proper custodian of all grants, deeds, conveyances and other documents relating to land or property of the Diocese, and shall enter in the books provided by the Synod the date of every such grant, conveyance, or other document and the names of the grantors, vendors or testators, also a short description of the property and a memorandum of any trust under the grant or devise.

33. The Registrar shall make a report annually to the Bishop of the Registrar's acts during the year.

34. The Registrar shall be entitled to charge such fees and receive such remuneration as may be fixed by the Diocesan Executive Committee.

35. The Registrar shall have such powers and authority as may from time to time be assigned by the Diocesan Executive Committee.

THE BISHOP'S COUNCIL

36. The Bishop may appoint a Bishop's Council consisting of the Archdeacons and the Dean.

B. Bishop's Appointments with Council Recommendations

37. The Bishop upon the recommendations of the Diocesan Executive Committee may appoint and remove persons to the following positions:

(a) Chaplains;
(b) The Commissary;
(c) The Diocesan Executive Officer;

CHAPLAINS

38. At the recommendation of the Diocesan Executive Committee, the Bishop shall appoint clerics to be Diocesan Chaplains to serve in health care and correctional facilities and other institutions, as shall be determined by the Diocesan Executive Committee from time to time.

39. The Bishop shall, from time to time, appoint one of the Diocesan Chaplains provided for in Section 26 to be Co-ordinating Chaplain, who shall co-ordinate the work of the various Diocesan Chaplains and perform such other duties as the Bishop shall determine.

40. The duties of the Diocesan Chaplains shall be:

(a) to provide chaplaincy care to patients, residents or inmates, and the staff, of such health care and correctional facilities, and to their families;

(b) to report as requested from time to time by the Diocesan Executive Committee and
Synod.

41. The Diocesan Executive Committee shall, from time to time, fix the amount of stipend to be paid to Diocesan Chaplains, and all necessary travel and other expenses incidental to the performance of their duties, and provide either a suitable house, free of rent, or a housing allowance in accordance with Diocesan Policy.

42. Where appropriate, the Diocese may enter into agreement with the other Anglican Dioceses in Newfoundland and Labrador to share chaplaincy services, the costs of such services to be apportioned among the dioceses as they shall agree from time to time.

COMMISSARY

The Commissary

43. The Bishop shall, after consultation with Diocesan Executive Committee, appoint one of the following clerics to be Bishop's Commissary within the Diocese at the Bishop's pleasure:

    (a) the Coadjutor Bishop;
    (b) the Suffragan or Assistant Bishop;
    (c) the Dean;
    (d) an Archdeacon;
    (e) the senior clerical member of Diocesan Executive Committee by date of first licensing in the Diocese.

44. The duties of the Bishop's Commissary, subject to the terms of appointment by the Bishop, shall be:

    (a) to assist the Bishop at any time in administering the affairs of the Diocese;

    (b) during the temporary absence or incapacity of the Bishop, and during the vacancy of the See, to perform the duties of Administrator of the Diocese;

45. In the temporary absence of the Bishop and the Bishop's Commissary from the Diocese, another person listed in Section 31 of this Canon 2 shall be appointed acting Commissary by the Bishop.

46. On the installation of a new Bishop of the Diocese, any Commissary appointed by the former Bishop shall be deemed to have tendered his or her resignation.

THE DIOCESAN EXECUTIVE OFFICER

47. At the recommendation of the Diocesan Council the Bishop shall appoint a person the Diocese, who shall also be the Secretary-Treasurer of the Synod.

48. The duties of the Diocesan Executive Officer shall be:

    (a) To have general management of the business of the Diocese;

(b) To have general oversight and supervision of the staff and work of the diocesan office;

(c) To co-ordinate the preparation for meetings of the Synod, and of the Diocesan Executive Committee and the Finance Committee;

(d) To ensure that the minutes of all meetings of the Synod, the Diocesan Executive Committee, and all committees of the Diocese, are properly recorded and maintained, and to be responsible for the publication of the Synod Journal;

(e) To be responsible for seeing that the policies and directives of the Synod and of the Diocesan Executive Committee are carried out effectively;

(f) To advise and assist the clerics and parish officers in matters and questions connected with their respective parishes;

(g) To perform such further services as may be, in the opinion of the Bishop, compatible with the office of the Diocesan Executive Officer.

49. If in Priest's Orders, the Diocesan Executive Officer shall normally hold the title of Archdeacon.

50. The Diocesan Executive Committee shall, from time to time, fix the amount of stipend or salary to be paid to the Diocesan Executive Officer, and all necessary travel and other expenses incidental to the performance of the Diocesan Executive Officer's duties, and provide other benefits in accordance with diocesan policy.

C. <u>The Administrator</u>

51. (1) If the See should fall vacant by reason of the death, resignation, or removal of the Bishop, or in the physical or duly certified mental incapacity of the Bishop, the Bishop's Commissary shall be the Administrator of the Diocese following notification to, and approval having been received from, the Metropolitan.

(2) If there is no Commissary, of if such Commissary is absent from the diocese or otherwise unable to perform the duties of Administrator, one of the following persons, in order of precedence, shall be the Administrator of

the Diocese, notification to and approval of the Metropolitan having been transmitted:

(a) the Coadjutor Bishop;
(b) the Suffragan or Assistant Bishop;
(c) The Diocesan Archdeacon
(d) The Diocesan Executive Officer provided they are in Holy Orders;
(e) the Dean;
(f) the Archdeacon by seniority of appointment;
(g) the senior clerical member of the Diocesan Executive Committee by date of first licensing in the Diocese.

52. The powers and duties of the Administrator shall be:

(a) To preside over all boards, committees, and councils of which the Bishop is Chair;

(b) To act in the place and stead of the Bishop, so far as it is permissible, upon any committee of which the Bishop was a member, either active or ex officio, at the time the vacancy occurred;

(c) To maintain the discipline of the Church in the Diocese;

(d) To exercise such general inspection and surveillance of affairs and conditions within or affecting the Diocese as may be exercised by a Bishop;

(e) To appoint provisionally to vacant positions in the Diocese and in parishes where such appointments are ordinarily within the purview of the Bishop, such provisional appointments being subject to review by the Bishop when the See is filled and the new Bishop duly installed in office;

(f) To sign cheques and execute all other documents on behalf of the Diocese as might be executed by the Bishop, with full power to approve of and consent to the sale or lease of any lands and to affix the seal of the Diocese;

(g) Generally to do and to perform every temporal function pertaining to the office of Bishop.

53. The Administrator shall keep a full record of all actions, and preserve all official correspondence, and shall account and report fully to the Bishop upon all matters and things done or dealt with while holding office as Administrator immediately upon the installation of a Bishop or upon the Bishop resuming episcopal duties.

54. Should the physical or duly certified mental incapacity referred to in paragraph 34(1) continue for a period of six months, the Administrator shall call the Diocesan Executive Committee to convene to consider whether or not to request that the Metropolitan declare the See vacant. Should the Bishop be the Metropolitan, the appeal shall be made to the senior Bishop in the Province by date of episcopal ordination.

CANON 3

MINISTRY, ORDAINED AND LAY

CANDIDATES FOR ORDINATION

Prerequisites for Ordination

1. Candidates for the Orders of deacon or priest shall be required to hold a Bachelor's degree from an accredited university and a degree in Theology from a seminary approved by the Bishop, provided that these educational requirements may be dispensed with at the discretion of the Bishop.

Examination

2. No candidate shall be ordained into the Orders of deacon or priest until that candidate shall have been examined by one or more Examining Chaplains appointed for that purpose by the Bishop. Such examiners must be satisfied of the candidate's competency in all academic, theological and doctrinal requirements, including an adequate understanding of Holy Scripture and pastoral practice, and must be satisfied that the candidate possesses adequate homiletical and liturgical skills.

Required Testimonials

3. Before a candidate is ordained, the Bishop shall be satisfied of the candidate's personal suitability for Holy Orders and the candidate's personal commitment to Jesus Christ. Before ordination, an attestation in the form usually called Si Quis shall be publicly read in the parish of which the candidate is a member, and the required Letters Testimonial shall be submitted.

Candidates for Ordination from Other Denominations

4. Any person who has been ordained in a Christian denomination may become a candidate for ordination in the Anglican Church of Canada through the Diocese by presenting two references from priests of the Anglican Church of Canada who shall attest to the candidate's personal life and character, quality of past ministry and personal suitability.

5. Except in the case of a person recognized by the Bishop as having been episcopally ordained, the candidate shall satisfy all the requirements of the Anglican Church of Canada and the Diocese for ordination.

6. The candidate's seniority in the Church for remuneration purposes shall be established by the Bishop.

LICENSING OF CLERICS AND PERMISSION TO OFFICIATE

The Bishop to Make Appointments

7. (1) The Bishop shall make all appointments of clerics in the Diocese.

(2) The procedures for making appointments of clerics in the Diocese shall be as contained in Sections 43-51 of Canon 3 and in Canon 8, The Joint Committee.

(3) The Bishop may appoint a cleric to serve in a parish on an interim basis. The terms and conditions of such appointment shall be as set out in Diocesan Regulations and as determined by the Bishop.

Requirement of License

8. Every cleric who wishes to exercise ordained ministry within the Diocese shall be required to possess a licence or a general permit issued by the Bishop, which shall describe the ministry which is so authorized.

Licensing of "Active" Clerics

9. The Bishop may in his or her discretion issue licences to the following, who shall have the status of "active" clerics of the Diocese while so licensed:

(a) all incumbents, curates and chaplains, who shall be licensed to some particular office to which they are appointed within the Diocese;

(b) all duly appointed or elected diocesan officials who are in Holy Orders;

(c) all other clerics in good standing who are deemed by the Bishop to be exercising an active ministry in the Diocese, whether in a parish, college, or other authorized ministry.

Rector to be in Priest's Orders

10. No cleric shall be instituted to the office of Rector of a parish unless that person be in priest's orders.

General Permits

11. The Bishop may in his or her discretion issue general permits to the following, by which they will be enabled to exercise their ministry on an occasional or honorary basis within the Diocese; such persons will be welcome to attend and speak, but may not vote, at Synod:

(a) "on leave" clerics resident in the Diocese who are priests or deacons in good standing on the roll of this or another Anglican Diocese and who wish to do part-time duty in the Diocese;

(b) retired clerics of another Anglican diocese resident in the Diocese who wish to do part- time duty, or be honorary assistants.

12. A general permit may be issued for an indefinite period and may be recalled at the discretion of the Bishop. At its expiration, it must be returned to the Diocesan Executive Officer.

Temporary Leave of Absence

13. A cleric who wishes to be temporarily released from the duties to which he or she has been appointed for any purpose for more than ninety consecutive days, except as provided in Section 14 hereof, with the intention of returning to active ministry in the Diocese, may be granted a leave of absence by the Bishop for a period of up to one year, which may be extended for further periods of one year's duration by the Bishop with the approval of the Diocesan Executive Committee. Temporary absences for up to ninety consecutive days shall not require an application for a leave of absence, but they must be reported promptly in writing to the Bishop.

14. A cleric who temporarily relinquishes his or her full-time ministry for the purpose of entering secular work may be granted a leave of absence by the Bishop for a period of up to one year, which may be extended for a further period of one year by the Bishop with the approval of the Diocesan Executive Committee. For the duration of any such leave of absence, with regard to participation in the Pension Fund and other funds of the Diocese, such cleric's status shall be the same as if he or she had received Letters Dimissory from the Bishop.

Transfers from the Diocese

15. Any priest or deacon under the jurisdiction of the Bishop who desires to transfer from the Diocese shall apply to the Bishop for Letters Dimissory. If the applicant is in good standing in the Diocese, the Bishop shall grant the application; but in the case of refusal, the Bishop shall deliver the reasons for such refusal in writing to the applicant. Any refused applicant may demand that the Bishop refer the reasons to the Diocesan Executive Committee for a hearing to determine their sufficiency, and the applicant shall be bound by the findings of the Diocesan Executive Committee.

Clerics to be Under Bishop's Jurisdiction

16. A cleric holding a licence, general permit, or on leave of absence shall be regarded as subject to the episcopal jurisdiction of the Bishop until he or she has been accepted into the episcopal jurisdiction of the bishop of another diocese.

Temporary Permission

17. The Bishop may grant temporary permission to officiate to a cleric provided that such permission may be renewed or revoked at the pleasure of the Bishop.

Clerics of Other Denominations

18. (1) Without the permission of the Bishop, no cleric of any other denomination shall be permitted to preside over any service of the Church.

    (2) Nothing herein contained shall be deemed to prevent an incumbent from inviting a cleric(s) from any other denomination(s) to share in leading ecumenical services of worship which have been approved by the Bishop.

Ministering in Another Parish

19. (1) Except as provided hereunder, no cleric shall preside over any religious service, public or private, or administer any rite or ordinance of the Church, within the boundaries of any parish to which he or she is not licensed, without the consent of the incumbent thereof. If the incumbency of the parish is vacant, the consent of the Bishop is required.

(2) Nothing herein contained shall be deemed to prevent any cleric from ministering to any person or persons who is or are in the habit of attending Divine Service in the parish wherein that cleric is licensed to minister; or giving spiritual comfort and counsel to anyone definitely seeking same if the cleric considers it advisable so to do.

(3) Nothing herein contained shall be deemed to prevent the Bishop licensing a cleric to officiate as chaplain in any hospital, jail, penitentiary, school, or other public institution, or as chaplain to any branch of the Canadian Armed Forces, within the boundaries of any parish.

(4) Provided notice is given to the incumbent of the parish, a cleric may hold or take part in a community service, funeral service, or memorial service, or ritual of any society or organization, the work of which is approved by the Bishop.

Inability or Neglect of Incumbent

20. Whenever it is represented to the Bishop that any parish is suffering from the inability of the incumbent, through age, infirmity, or any other cause, or from neglect by the incumbent, to discharge the duties of the appointment, or that a controversy has arisen between the incumbent and members of the congregation which cannot be settled by the parties themselves and is such as to injure the peace and prosperity of the parish, the Bishop may in his or her discretion notify the incumbent of such representation, and take such action as the Bishop deems appropriate.

REMUNERATION OF CLERICS

Minimum Stipend

21. On the recommendation of the Joint Committee, the Diocesan Executive Committee shall specify the minimum stipend scale payable to clerics licensed in the Diocese.

Allowances

22. The Diocesan Executive Committee shall set rates for a provision to clerics of allowances for housing, utilities and travel.

Part-time Positions

23. Where a position held by a cleric is deemed by the Bishop to be a part-time position, the minimum stipend applicable to that position shall be such portion of the minimum stipend set pursuant to section 21 hereof as the Bishop shall establish.

Clerics in Secular Employment

24. Unless otherwise ordered by the Bishop, licensed clerics who hold full-time secular employment shall not be entitled to receive stipendiary compensation, but shall be entitled to receive full compensation for expenses incurred in the exercise of their ministry as well as such honoraria as may be offered.

DISCIPLINE OF CLERICS

Trial of Clerics

25. Every cleric licensed by the Bishop, or holding any charge under or being in any sense subject to the Bishop's jurisdiction, or receiving any allowance from or discharging any duties for the Synod, shall be liable to trial and subject to punishment if charged and found guilty of any of the offenses mentioned in the Canon on Discipline of the General Synod of the Anglican Church of Canada or with offenses against the provisions of the Constitution or Canons of the Diocese or of the Ecclesiastical Province of Canada.

Preferring of Charges

26. A charge of any such offence shall be preferred in writing by the Bishop, or by any cleric, or by at least three communicants of at least one year's standing; provided that if any member of the Ecclesiastical Court of the Diocese shall prefer a charge, that person shall not sit as a member in the event of the charge being heard by the Court.

27. A charge shall be submitted to the Diocesan Executive Officer and shall contain a clear statement of the offence alleged to have been committed by the accused, with particulars where appropriate; and the names and addresses of the person or persons preferring the charge.

Notification of the Accused

28. Upon the preferment of the charge, the Bishop shall forthwith transmit a copy of the charge to the accused cleric with a request for explanation, and if no explanation is forthcoming within seven days from the date of the transmittal of the copy to the accused, or if the Bishop deems the explanation given to be unsatisfactory, then the Bishop shall forthwith serve notice of the place where and the time when the accused cleric shall appear before the Bishop, or a member of the Ecclesiastical Court of the Diocese commissioned in writing by the Bishop, to enter a plea of guilty or not guilty and elect whether the charge shall be dealt with by the Bishop, or by the Court member presiding, in a summary way, or by the Court. The said notice shall be transmitted at least fourteen days and no more than twenty-one days before the date set for the appearance of the accused.

Entitlement to Legal Counsel

29. At the time the charge is transmitted to the accused cleric, notice shall also be given to the accused that at all stages of the proceedings instituted against the accused, the accused is entitled to be represented by a practising barrister of the Supreme Court of Newfoundland.

Prosecutor

30. The Bishop shall appoint a prosecutor to present the case against the accused cleric, such prosecutor to be a practising member of the Law Society of Newfoundland.

Admission of Guilt

31. If the accused cleric admits the charge and requests the Bishop, or the member of the Ecclesiastical Court of the Diocese presiding, to deal with the same in a summary way, the Bishop or the member of the Court presiding shall pronounce sentence without any further proceedings, provided that any sentence pronounced by the member of the Court presiding shall be confirmed by the Bishop, and that any sentence pronounced hereunder shall be subject to appeal to the Court.

Summary Disposition

32. If the accused cleric does not admit the charge, but the accused and the person or persons preferring the charge state in writing that they are willing to submit to the discretion of the Bishop, or to the member of the Ecclesiastical Court presiding, the Bishop or the member of the Court shall hear the matter in such manner and at such time as the Bishop or the member of the Court shall think fit, provided that the Bishop or the member of the Court presiding shall hear the matter within fourteen days from the date of the accused's first appearance unless either the accused or the person or persons preferring the charge request and the Bishop consents to a hearing at a later date. The decision of the Bishop or member of the Court presiding and any sentence imposed shall be subject to appeal to the Court.

Preliminary Inquiry

33. If the accused cleric does not admit the charge, and either the accused or the person or persons preferring the charge do not consent to the charge being dealt with by the Bishop or the member of the Ecclesiastical Court presiding in a summary manner, the Bishop or the member of the Court presiding shall proceed to hold a preliminary inquiry in camera wherein the prosecutor shall present the case against the accused who may reserve defence if the accused thinks fit. If the Bishop or the member of the Court presiding considers that there is a sufficient prima facie case against the accused, a date shall be forthwith set for the appearance of the accused before the Court for trial.

Trial

34. At the trial the person who presided over the preliminary inquiry shall not sit as a member of the Court. The trial shall not be held more than fourteen days from the date of the preliminary inquiry unless either the accused or the person or persons preferring the charge request and the Bishop consents to a later date.

Witnesses

35. The witnesses at any trial shall be examined viva voce before the Court by the party calling them, and shall be subject to cross-examination and re-examination and further examination by the Court. The evidence shall be recorded in writing and the witness shall be required to sign a declaration in the form prescribed by The Canada Evidence Act to the following effect:

> "I A.B., do solemnly declare that all answers made to questions asked me before the Court and all statements made by me to the Court are true and correct and contain the truth, the whole truth and nothing but the truth, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of The Canada Evidence Act."

Judgement

36. At the trial, the Court shall pronounce judgment, and, if the accused cleric is found guilty, shall determine sentence according to the Canon on Discipline of the General Synod of the Anglican Church of Canada, and the decision and sentence shall be in writing and shall be entered in a book to be kept by the Registrar for such purpose.

Right of Appeal

37. The decision of the Court and the sentence imposed, if any, shall be subject to appeal to the Court of the Metropolitan of the Ecclesiastical Province of Canada, or to the Supreme Court of Appeal of the Anglican Church of Canada, in accordance with the Canons of the Provincial and General Synods constituting the said Courts.

Record of Proceedings

38. A record of all proceedings held under this Canon shall be kept and made available to the accused cleric.

Expenses

39. All expenses incurred in connection with proceedings held under this Canon, with the exception of expenses incurred by the accused cleric, shall be borne by the Diocese, provided that if the accused is found not guilty, or if the charge is withdrawn or not proceeded with for any reason,

(a) the accused cleric shall be reimbursed by the Diocese for all reasonable expenses incurred by the accused; and

(b) the Bishop or the Court shall have the right to require the person or persons preferring the charge to pay such portion of the total expenses as the Bishop or the Court may deem reasonable.

40. This Canon is subject to the provisions of the Canons on Discipline of the Synod of the Ecclesiastical Province of Canada and of the General Synod of the Anglican Church of Canada.

GENERAL SYNOD CANON XVIII

41. It is hereby declared that Canon XVIII - Discipline, of the General Synod of the Anglican Church of Canada, as adopted by the Provincial Synod, attached hereto as Appendix 4, is adopted and in full force and effect in this Diocese.

SELECTION OF CLERICS

Functions of the Incumbent

42. The role and function of an incumbent shall be as follows:

(a) To preach the Word and administer the Sacraments of the Church;

(b) To be a pastor;

(c) To guide the parish in its planning to achieve the goals of the Vestry and Parish Council as they seek to proclaim the Gospel and to implement the policies of the Diocesan and General Synods in the local setting.

Procedure for Appointing an Incumbent

43. When a vacancy occurs in the incumbency of a parish, the Bishop shall inform the clerics of the three dioceses of Newfoundland and Labrador of the vacancy and invite any of them who are interested to submit applications to the Bishop's office. The Vestry or the Parish Council, as the case may be, shall give the Bishop a description of the needs of the parish and a job description for the new incumbent, and shall select one of the following methods for the appointment of a new incumbent:

(a) Appoint a Selection Committee of not less than three and not more than five members, of whom two shall be churchwardens, to consult with the Bishop regarding the job description and the needs of the parish; to review the list of applicants for the position and other clerics who, in the Bishop's opinion, have gifts appropriate to the position; to interview selected clerics from that list; and to recommend to the Bishop up to three, one of whom the Bishop may appoint as incumbent.

(b) Nominate up to three clerics, one of whom the Bishop may appoint as incumbent.

(c) Request the Bishop to make an appointment.

44. If within three months of the date when the resignation of the incumbent becomes effective either the parish fails to nominate, or the Committee and the Bishop fail to agree on a nomination, the Bishop shall nominate and appoint an incumbent to the said parish.

Requirement to Meet Financial Obligations

45. (1) An appointment shall only be made provided that arrangements exist satisfactory to the Finance Committee whereby the Parish has met its regular financial obligations, including Synod Assessments, and

(i) the Parish is able to do so in the future, and
(ii) the appointee has accepted such obligations.

(2) Notwithstanding Clause 45(1) hereof, the Bishop may in his/her discretion make an appointment.

46. A parish which is for the time being in default in complying with the provisions of Section 45 of this Canon, shall forfeit its right to nominate an incumbent to the Bishop in the event of a vacancy; but its status will not be changed by reason only of such non-compliance. Nevertheless, the Diocesan Executive Committee may, in its discretion, at any time reduce a parish so in default to the status of an "Aided Parish".

Inability of the Parish to Pay Stipend

47. In the event of a parish failing, through causes which are in the opinion of the Diocesan Council outside its control, to provide its incumbent with a stipend equal to the approved minimum for the time being paid to clerics of similar standing in the Diocese, the Diocesan Council may, on the recommendation of the Bishop, make a grant-in-aid to the incumbent from any fund which may lawfully be drawn upon for such purposes; provided that, in no event, the grant be such as to give the incumbent a total stipend greater than the approved minimum for the time being to clerics of similar standing in the Diocese.

Vacancy During Absence of Bishop, Vacancy of See

48. In the event of the position of incumbent becoming vacant during the absence of the Bishop from the Diocese, the Coadjutor Bishop, Suffragan or Assistant Bishop, if there be one, may make a temporary or provisional appointment to the vacancy. If none of the above is available, the Bishop's Commissary may so appoint. During the vacancy of the See, the Administrator may so appoint.

Interim Appointment

49. During the vacancy in the position of incumbent of a parish, the Bishop may appoint a cleric to serve in the parish on an interim basis. The cleric appointed to serve on an interim basis is responsible for the continuing sacramental and pastoral ministry in the parish in accordance with the terms of the job description. Administrative and organizational matters, including the chairing of parish meetings, remain the responsibility of the churchwardens who may, at their discretion, invite the cleric to chair parish meetings. The cleric appointed to serve on an interim basis may not appoint a Rector's Warden, nor alter or caused to be changed patterns of worship, fixed traditions of the parish, or organizational structures.

Evaluation, Duration of Employment

50. The work of all clerics and Professional Lay Ministers in the diocese shall be evaluated after each has been in a position for five years. By mutual agreement, an appointment may continue up to a further five years, or longer if special circumstances dictate.

Subject to Canon 8, The Joint Committee

51. The appointment of an incumbent is subject to the provisions of Canon 8, The Joint Committee.

LAY LEADERSHIP IN MINISTRY

Licensed Lay Leadership in Worship and Ministry

52. Subject to the direction and supervision of the Bishop and subject to this Canon, the incumbent of a parish may authorize lay leadership and involvement in any aspect of Divine Worship and ministry not required by the rubrics of The Book of Common Prayer or other authorized liturgy, or by Canon or equivalent authority, to be undertaken exclusively by a cleric.

53. There shall be a Licenced Lay Lay Ministers Association, of which every Lay Reader, Lay Eucharistic Assistant and Professional Lay Minister in the Diocese may be a member.

54. The Bishop shall appoint a priest as Warden of Licensed Lay Ministers, who shall hold office at the Bishop’s pleasure.

55. The Warden of Licensed Lay Ministers shall be responsible to the Bishop for:

(a) giving leadership and guidance to the Licensed Lay Ministers of the Diocese;
(b) the order and discipline of Licensed Lay Ministers of the Diocese;
(c) providing liaison between the Bishop and the Licensed Lay Ministers Association

Lay Readers

56. A person holding a Lay Reader's license shall have authority to perform appropriate duties under the direction and control of the incumbent, the license having been endorsed by such incumbent.

57. There shall be a Lay Readers Association, of which every Lay Reader in the Diocese may be a member.

58. The License of a Lay Reader may be revoked by the Bishop after consultation with the Warden of licensed Lay Ministers and the incumbent of the parish.

59. The Warden of Lay Readers shall be responsible to the Bishop for:
(a) giving leadership and guidance to the Lay Readers of the diocese;
(b) the order and discipline of Lay Readers of the diocese;
(c) providing liaison between the Bishop and the Lay Readers Association.

Lay Eucharistic Assistants

60. At the Bishop's discretion, and with the approval of the incumbent and Vestry of the congregation concerned, the Bishop may license communicants of the Anglican Church of Canada as Lay Eucharistic Assistants to assist with the administration of the Holy Communion.

61. The license of a Lay Eucharistic Assistant may be revoked by the Bishop after consultation with the Warden of Licensed Lay Ministers and the incumbent of the parish.

Professional Lay Ministers

62. The Bishop may license communicants of the Anglican Church of Canada who hold a university degree, or who have a suitable combination of education and experience, as Professional Lay Ministers.

63. A Professional Lay Minister is a person committed to the Gospel of Jesus Christ, having a sense of vocation as a Professional Lay Minister of the Church, who performs a specific educational, social, or/and liturgical ministry under license from the Bishop, and who normally receives a stipend or salary from the Church on account of the exercise of this ministry.

64. The Diocesan Executive Committee may from time to time make regulations governing the position and duties of Professional Lay Ministers, such regulations being subject to the approval of the Bishop.

65. The Bishop may:
(a) approve the hiring of a Professional Lay Minister upon the request of a parish or a group of parishes or of the diocese;
(b) issue a license to a Professional Lay Minister on the recommendation of a parish or a group of parishes or of the diocese, following the entering into a satisfactory contract of employment by the Professional Lay Minister with the hiring parish(es) or diocese.

66. A Professional Lay Minister shall be accountable to and hold license at the pleasure of the Bishop.

67. A Professional Lay Minister shall perform duties appropriate to that ministry according to the direction and control of the incumbent of the hiring parish, or of one of the incumbents, designated by the Bishop, of a group of more than one parish hiring the Professional Lay Minister, or of the Diocesan Executive Officer when the diocese is the hiring body, such official to endorse the license of the Professional Lay Minister.

68. The license of a Professional Lay Reader may be revoked at the discretion of the Bishop after consultation with the Warden of Licensed Lay Ministers and the incumbent of the parish.

General

69. A person holding a current Lay Reader's, Lay Eucharistic Assistant's, or Professional Lay Minister's license in one congregation or parish may, at the invitation of the incumbent of another congregation or parish, or at the direction of the Bishop, and with the consent of the incumbent of the hiring parish, exercise the ministry appropriate to that license on an occasional basis in that other congregation or parish.

70. A record of all licenses issued to Lay Readers, Lay Eucharistic Assistants, and Professional Lay Ministers shall be kept by the Registrar.

College of Deacons

71. There shall be a College of Deacons consisting of all Deacons, as defined in Chapter 1, section 8, licensed by the Bishop to an office in the Diocese.

72. The purposes of the College shall be:

(a) to provide for mutual fellowship and support for Deacons;
(b) to be a body for the expression of points of interest and concern of Deacons to the Bishop and to the Synod;
(c) to elect representatives of Deacons to serve as voting Members of Synod and substitutes.

73. The Bishop shall appoint a cleric as Chaplain to the college of Deacons, who shall hold office at the Bishop's pleasure.

74. The Chaplain to the College of Deacons shall be responsible to the Bishop for:

(a) giving pastoral support to the deacons of the Diocese;
(b) providing for programs of continued education to deacons;
(c) providing liaison between the Bishop and the College of Deacons.

Association of Retired Clerics

75. There shall be an Association of Retired Clerics consisting of all retired clerics who held the Bishops license at the time of their retirement and who continue to reside in the Diocese.

76. The purposes of the Association shall be:

(a) to provide for mutual fellowship and support for retired clerics;
(b) to be a body for the expression of points of interest and concern of retired clerics to the Bishop and to the Synod;
(c) to elect representatives of retired clerics to serve as voting Members of Synod and substitutes.

77. The Bishop shall appoint a priest as Chaplain to retired clerics, who shall hold office at the Bishop's pleasure.

78. The Chaplain to retired clerics shall be responsible to the Bishop for:

(a) giving pastoral support to retired clerics of the Diocese;
(b) providing liaison between the Bishop and the Association of Retired Clerics.

CANON 4

THE ECCLESIASTICAL COURT

1. There shall be an Ecclesiastical Court of the Diocese of Eastern Newfoundland and Labrador.

Composition

2. The Court shall be composed of:

   (a) the Archdeacon senior in priest's orders;
   (b) The Chancellor;
   (c) two clerics of the Diocese;
   (d) one Lay Member of the Synod of the Diocese;
   (e) one lay member of the Church who is a practising member of the Law Society of Newfoundland.

   The members designated in subsections (c), (d), and (e) of this section shall be elected by the Diocesan Executive Committee at its first meeting after a matter has been proposed for referral to the Court. They shall hold office until the matter has been finally disposed of.

Quorum

3. A quorum of the Court shall consist of any three members and either the Lay member who is a practising member of the Law Society of Newfoundland or the Chancellor.

Vacancies

4. The Administration and Finance Committee may appoint a person of the appropriate qualifications to fill any vacancy which may occur on the Court between the meeting of the Diocesan Executive Committee and the convening of the Court.

President

5. The Diocesan Executive Committee shall designate in writing the member of the Court who shall act as President.

Registrar

6. The Diocesan Executive Committee shall appoint a Registrar and such other officers as may be found necessary to assist the Court in the performance of its duties.

Rules of the Court

7. The Rules of the Court shall be the same rules as prorogated from time to time for the Court of the General Synod of the Anglican Church of Canada.

Function

8. (1) The trial of any cleric charged with any offence pursuant to the provisions of the Canons relating to discipline shall be conducted before the Court.

(2) The Bishop may refer any question to the Court for determination.

CANON 5

THE ORGANIZATION OF THE PARISH

MEETINGS OF THE CONGREGATION

Annual Congregational Meeting

1. (1) A meeting of each congregation, called the Annual Congregational Meeting, shall be held prior to March 31 each year. Notice of the date and time of such Annual Congregational Meeting shall be given by or on behalf of the Incumbent during Divine Service on a Sunday at least one week prior to such meeting.

(2) The purpose of the Annual Congregational Meeting shall be to:

(a) Receive report of the work of the Church in that congregation during the previous year;
(b) Receive report of the finances of the Church in that congregation for the previous year;
(c) Select Churchwardens and other congregational officials for the ensuing year;
(d) Make plans for the future direction and work of the Church in that congregation;
(e) Transact other business for the good of the Church.

Special Congregational Meetings

2. A special meeting of the congregation may be summoned at any time by the Incumbent or by the Churchwardens, or upon requisition to the Incumbent, or to the Churchwardens in the Incumbent's absence, signed by any five members of the congregation entitled to vote, stating the purpose for which such meeting is desired. Notice of the date and time of such meeting shall be given during Divine Service on a Sunday at least one week prior to such meeting.

Qualifications of Those Entitled to Vote

3. Every baptized person who is at least sixteen years of age, is a member of or in communion with the Anglican Church of Canada, and for at least three months prior to such meeting has been identifiably involved with the congregation in regular worship, fellowship, and financial support to that congregation, shall be qualified to vote at meetings of the congregation.

Qualifications of Churchwardens and of Members of Vestries and Parish Councils

4. Every baptized person who is at least sixteen years of age, is a member of or in communion with the Anglican Church of Canada, a communicant where possible, and for at least three months prior to the Annual Congregational Meeting has been identifiably involved with the congregation in regular worship, fellowship, and financial support to that congregation, shall be eligible for election to the office of Churchwarden, member of the Vestry, and member of the Parish Council.

CHURCHWARDENS

Number of Churchwardens

5. Where practicable there shall be two Churchwardens for every congregation.

Selection of Churchwardens

6. At the Annual Congregational Meeting one Churchwarden shall be appointed by the Incumbent, and the other shall be elected by a majority of those present and entitled to vote. In the event that the Incumbent is unable or unwilling to appoint a Churchwarden, or in the event that there is no Incumbent, both of the Churchwardens shall be elected by those present and entitled to vote. And in the event that the members of the congregation present are unable or unwilling to elect a Churchwarden, the Incumbent shall appoint both of the Churchwardens.

Notification of Selection of Churchwardens

7. Notification of the selection of Churchwardens, with their names, shall be given by the person who chairs the Annual Congregational Meeting to the Diocesan Executive Officer.

Term of Office of Churchwardens

8. (1) The Churchwardens shall hold their respective offices until the Annual Congregational Meeting subsequent to their selection, or until the selection of their successors.

(2) A Churchwarden in office for three consecutive years shall at the end of that time retire and be ineligible to serve as a Churchwarden or member of the Vestry of that congregation, or as a member of the Parish Council of that parish, until one year shall have elapsed; however, smaller congregations may be exempted from the application of this Section by the Diocesan Executive Committee.

Filling Vacancy in Office of Churchwarden

9. In the case of the death, resignation, refusal or neglect to serve, or transfer from the congregation of any Churchwarden, the office of Churchwarden shall be deemed to be vacant, and the Incumbent shall appoint or the Vestry shall elect, as the case may be, a person to fill the vacancy. A Churchwarden selected under this Section shall serve until the subsequent Annual Congregational Meeting of the congregation, and such service shall not be counted towards the three-year maximum consecutive service permitted under Section 8(2).

Declaration of Churchwardens

10. Every Churchwarden shall sign in the Minute Book of the congregation the following declaration:

> "I, [name], declare that I consent to be bound by the provisions of the Constitution and Canons of the Synod relating to Churchwardens."

Duties of Churchwardens
General

11. The Churchwardens shall have equal status and responsibility in the congregation in which they serve. In the exercise of their general responsibilities they shall act jointly. They shall act in consultation with the Incumbent and the Vestry of the congregation in the advancement of the Kingdom of God in that congregation. They shall exercise leadership, and with the Incumbent act as executive officers of the Vestry of the congregation in the supervision of all matters relating to that congregation; and they shall have general responsibility for all matters relating to the congregation that are not expressly the responsibility of the Bishop or the Incumbent. Without limiting the generality of the foregoing, the Churchwardens shall:

Leadership in Church life

(a) give leadership in the congregation by regular worship, example, and stewardship;

Concerning Worship

(b) provide at the expense of the congregation all things needed for the worship of Almighty God in the congregation, including appropriate furnishings, vesture, books, and, where there is no Parish Council, registers for the recording of baptisms, confirmations, marriages, and burials;
(c) cause order to be preserved during services of worship;
(d) share with the Incumbent responsibility for ensuring that the Church is not used for any improper or profane purpose;
(e) where there is no Parish Council, make arrangements to provide services of worship and pastoral care as required when there is no Incumbent, or if the Incumbent is absent or incapacitated;

Work of the Church

(f) co-operate with the Incumbent in the initiation, conduct, and development of Church work within the congregation;
(g) use their respective best efforts to carry out all lawful resolutions adopted at meetings of the Synod, the congregation, and the Vestry;
(h) bring to the attention of the Incumbent any mater pertaining to the congregation they consider requires the Incumbent's attention;
(i) make jointly with the Incumbent on behalf of the congregation all contracts which have been approved by a meeting of the congregation or by the Vestry;
(j) report their Incumbent to the Bishop, or, if there is no Bishop, to the Administrator of the Diocese, if the Incumbent is irregular in the performance of duty, immoral in behaviour, or unsound in doctrine;

Finances

(k) exercise leadership in raising the revenue necessary for the operations of the Church, including the payment of all salaries and benefits;
(l) be responsible for the safe custody and accurate recording of all money received in the congregation for the work of the Church;
(m) be jointly responsible with the Incumbent for the proper disposition of all money received in the congregation for the work of the Church, subject to the approval of the Vestry;

(n) where there is no Parish Council, cause the stipend of the Incumbent and any Curates to be paid punctually, such stipends being the first charge upon the funds of the parish;

(o) where there is no Parish Council, cause the parish's assessment to the Diocese to be paid in accordance with diocesan policy, such assessments being the second charge upon the funds of the parish;

(p) cause all salaries and accounts which are the responsibility of the congregation to be paid, such payment having first been authorized and approved by the Vestry where necessary;

(q) give an account, duly audited, at the Annual Congregational Meeting of all money received and disbursed in the congregation for the work of the Church in the preceding year;

(r) where there is no Parish Council, send to the Diocesan Office annually, no later than April 30, Financial Returns for the preceding year;

(s) on retiring from office give a correct account of all financial transactions of the congregation for which they had been responsible, and deliver up to their successors the property of the Church which had been in their possession;

Church Property

(t) keep the Church and other buildings of the congregation, and, where there is no Parish Council, the rectory and other parochial buildings, in a good state of repair and cleanliness, and insured in accordance with diocesan policy;

(u) in the absence of a duly constituted Cemetery Committee, see that every cemetery pertaining to the congregation is decently fenced and well ordered;

(v) where there is no Parish Council, take charge of the rectory and other Church property during a vacancy in the position of Incumbent;

(w) see that the grounds of the Church and parish hall, and, where there is no Parish Council, the grounds of all parochial buildings, are properly cared for and kept in good condition.

THE VESTRY

Membership

12. (1) In every congregation there shall be a Vestry, which shall consist of members of the congregation as follows:

(a) Ex-officio members: the Incumbent, the Curate(s), persons licensed by the Bishop and working full-time in the parish, the Churchwardens, the Treasurer, the Secretary, and, where there is only one congregation in the parish, the Lay Members representing the parish in Synod;

(b) Elected members, selected in one of the following two ways:

(i) Up to twelve members elected at the Annual Congregational Meeting in accordance with the provisions of Sub-section 2 of this Section;

(ii) Representatives of congregational committees and/or organizations to a maximum of five, to be selected by the committees and/or organizations prior to the Annual Congregational Meeting; and additional members to makeup a maximum total of twelve elected members, elected at the Annual Congregational Meeting in accordance with the provisions of Sub-section 2 of this Section.

(c) At least one elected member of the Vestry shall be at least sixteen years of age, but no older than twenty-four years of age, at the time of election.

Term of Office of Vestry Members

(2) (a) Elected members of the Vestry, including the representatives of congregational organizations, if any, shall serve in that capacity for three consecutive years; following which, if they are not appointed or elected to one of the positions of ex-officio membership, they must retire and shall be ineligible to serve as a Vestry member until one year shall have elapsed.

(b) Elected members, at the expiry of their three year terms, may be appointed or elected to one of the ex-officio memberships; however, at the expiry of the term of that ex-officio membership they are not eligible for appointment or election to any other position on Vestry, ex-officio or elective, until one year shall have elapsed.

(c) One-third of the elected members of the Vestry, as nearly as may be, shall retire annually, and their successors be elected at the Annual Congregational Meeting or selected by congregational committees and/or organizations as the case may be. In order to maintain this practice without interruption, current elected members of Vestries at the coming into effect of this Section shall continue in office until the expiration of the terms to which they were elected.

(d) In the case of the death, resignation, refusal or neglect to serve, or transfer from the congregation, of any elected Vestry member, the other members of the Vestry may appoint a qualified member of the congregation to fill the vacancy until the expiration of the former member's term. Such service shall not be counted towards the three-year maximum service provided for in paragraph (a) of this Sub-section (2), and the member so appointed is eligible for election to a three-year term at the expiration of that interim service.

Duties of Vestries

13. It shall be the duty of the Vestry:

Work of the Church

(a) To advise and assist the Incumbent and Churchwardens in the management of the affairs of the Church in that congregation, and in such other matters as may be referred to it;

(b) To consider any proposal which may be put forward for the development or improvement of the work of the Church in that congregation, and by resolution to declare its opinion on such proposal;

Finances

(c) To set up a budget for the congregation for the forthcoming financial year, to take steps to secure money to meet such budget, and to give prior approval to major expenditures;

(d) To assist the Churchwardens in the collection of offerings and contributions for the work of the Church;

(e) To scrutinize all expenditures and accounts pertaining to the congregation;

(f) To appoint auditors to audit the financial records of the congregation at the end of the year;

Property and Employees

(g) To consider all proposals for the erection, alteration, or repair of the Church and parish hall, and, where there is no Parish Council, of other parochial property, or of Church or other furniture or furnishings pertaining to the congregation;

(h) To employ, where deemed necessary, a Church Secretary, verger, sexton, caretaker, and other staff, and fix their remuneration;

Committees

(i) Where there is no Parish Council, to appoint a Parochial Committee in accordance with Canon 3: *Ministry: Ordained and Lay*.

(j) To appoint Nominating Committee to propose names for the various elective positions for the Annual Congregational Meeting.

Meetings of the Vestry

14. (a) The Vestry shall meet at least twice a year. The meeting shall be called by the Incumbent, or, if someone other than the Incumbent Chairs the Vestry, by the elected Chair in consultation with the Incumbent. A meeting shall be called at the written request of at least five members of the Vestry.

(b) A quorum for a business meeting of a Vestry shall be fifty percent of the members plus one, consisting of the Rector, one Warden, and at least one half of the elected members. If there is no Incumbent in the Parish, a quorum for a business meeting of the Vestry shall include both Church Wardens of the congregation.

15. A Quorum for any Meeting of a Parish Committee other then the Vestry shall be 50% of the Committee Members plus one.

16. The Churchwardens shall, with the consent of the Incumbent, have power at any time to call a meeting of the Vestry; and they shall do so at any time upon the request of the Incumbent, or, in the absence of the Incumbent, of the curate. If the Incumbent is not the Chair of the Vestry they shall call the meeting in consultation with the Incumbent and the elected Chair.

TREASURER OF THE CONGREGATION

Selection

17. Each congregation shall have a Treasurer, who may be appointed by the Vestry at its first meeting following the Annual Congregational Meeting, or elected at the Annual Congregational Meeting.

Term of Office

18. The Treasurer shall be appointed for a two-year term, and may be re-appointed. After serving three consecutive two-year terms, the Treasurer shall retire and shall not be eligible for re-appointment until one year shall have elapsed.

Duties of the Treasurer

19. It shall be the duty of the Treasurer:
    (a) To keep proper account of all money belonging to the congregation;
    (b) To report regularly to the Incumbent, Churchwardens, and Vestry on the financial affairs of the Congregation;
    (c) To provide information and advice for the preparation of the budget of the congregation, and of the Parish Council where there is a Parish Council;
    (d) To ensure that all money contributed for special purposes are duly applied to such purposes, and, where applicable, remitted promptly;
    (e) To perform such other duties as may be prescribed by the Vestry from time to time.

Line of Responsibility

20. The Treasurer shall be responsible to the Vestry through the Churchwardens.

Replacement of Treasurer

21. In the case of the death, resignation, refusal or neglect to serve, incompetence, or transfer from the congregation of the Treasurer, the Vestry shall appoint a qualified member of the congregation to fill the vacancy.

THE SECRETARY OF THE VESTRY

Appointment

22. Each Vestry shall, at the first meeting following the Annual Congregational Meeting, appoint a Secretary.

Term of Office

23. The Secretary shall be appointed for a one-year term, and may be re-appointed. After serving three consecutive one-year terms, the Secretary shall retire and shall not be eligible for any office or membership on the Vestry until one year shall have elapsed.

Duties of the Secretary of the Vestry

24. It shall be the duty of the Secretary:
    (a) To keep minutes of all meetings of the Vestry and of the congregation;
    (b) To keep a record of the terms of office of all Vestry members whose terms of office are subject to specific tenure;
    (c) To perform such other duties as may be prescribed by the Vestry from time to time.

Replacement of Secretary

25. In the case of the death, resignation, refusal or neglect to serve, incompetence, or transfer from the congregation of the Secretary, the Vestry shall appoint a qualified member of the congregation to fill the vacancy, and such service shall not be counted towards the three-year maximum service provided for in Section 23.

PARISH COUNCILS

Membership

26. (1) Where there is more than one congregation in a parish there shall be a Parish Council which shall consist of members of the parish as follows:

(a) Ex-officio members: the Incumbent, the curate(s), persons licensed by the Bishop and working full-time in the parish, the Churchwardens of each congregation in the parish, and the parish's Lay Representatives in the Synod;

(b) Elected members representing each of the congregations in the parish, elected at the Annual Congregational Meeting of each congregation. The number of representatives of each congregation shall be in accordance with a formula to be agreed upon by the Parish Council and the Vestry of each congregation. The formula creating the number of representatives shall provide for the election of at least one member of the Parish Council who shall be at least sixteen years of age, and not older than twenty years of age, at the time of election.

Term of Office of Parish Council Members

(2) After serving three consecutive years as an elected member of the Parish Council, a member shall retire and shall not be eligible for re-election to the Parish Council until one year shall have elapsed.

Meetings of the Parish Council

27. (1) The Parish Council shall meet at least three times per year.

(2) Meetings of the Parish Council may be called by the Incumbent, or, in the absence of the Incumbent, by the curate, if any, or, in the absence of such curate, or during a vacancy in the position of Incumbent, by two officers of the Parish Council, giving at least three days' notice specifying the time and place of the meeting. If the Incumbent is not the Chair of the Parish Council, such meetings shall be called by the elected Chair in consultation with the Incumbent.

Duties of the Parish Council

28. It shall be the duty of the Parish Council:

Work of the Church

(a) To co-operate with the Incumbent in the initiation, conduct, and development of Church work both within the parish and outside it;

(b) To provide at the expense of the parish registers for the recording of baptisms, confirmations, marriages, and burials within the parish;

(c) To make arrangements to provide services of worship and pastoral care as required when there is no Incumbent, or if the Incumbent is absent or incapacitated;

Finances

(d) To pay the stipend of the Incumbent and any curate(s) punctually, such stipends being the first charge upon the funds of the parish;

(e) To pay the parish's assessment to the diocese in accordance with diocesan policy, such assessments being the second charge upon the funds of the parish;
(f) To pay all salaries and accounts which are the responsibility of the parish;
(g) To appoint auditors to audit the financial records of the Parish Council at the end of the year.

Lay Representatives in Synod

(h) To elect Lay Representatives in Synod on behalf of the whole parish;

Parish Property

(i) To keep the Rectory, and other parochial buildings which are not the responsibility of individual congregations, in a good state of repair and cleanliness, and insured in accordance with diocesan policy;
(j) To see that the grounds of any parochial property which is not the responsibility of individual congregations are properly cared for and kept in good condition;
(k) To take charge of the Rectory, and other parochial property which is not the responsibility of individual congregations, during a vacancy in the position of Incumbent;

Selection Committee

(l) To appoint a Selection Committee in accordance with Canon No. 3, *Ministry: Ordained and Lay*.

General

(m) To transact such other business as may concern the parish as a whole.

THE TREASURER OF THE PARISH COUNCIL

Appointment

29. Every Parish Council, at its first meeting following the Annual Congregational Meetings, shall appoint a Treasurer who shall be responsible to the Incumbent and the Parish Council.

Term of Office

30. The Treasurer shall be appointed for a two-year term, and may be re-appointed. After serving three consecutive two-year terms, the Treasurer shall retire and shall not be eligible for re-appointment until one year shall have elapsed.

Duties of the Parish Treasurer

31. It shall be the duty of the Treasurer:

General

(a) To assist in all financial matters concerning the parish as a whole;

Accounts

(b) To keep proper accounts of all money belonging to the parish as a whole;

Application of Money

(c) To ensure that all money contributed for special purposes are duly applied to such purposes; and, where applicable, remitted promptly;

Reports

(d) To report regularly to the Incumbent and the Parish Council on the financial affairs of the parish;

Budgets

(e) To provide information and advice for the preparation of the budget of the parish and of individual congregations;

Financial Returns

(f) To send to the Diocesan Office annually, not later than April 30 of each year, the Financial Returns for the preceding year;

Retirement

(g) To deliver to their successors in office all finances and records of the parish of which they have had charge.

Replacement of Parish Council Treasurer

32. In the case of the death, resignation, refusal or neglect to serve, incompetence, or transfer from the parish of the Treasurer, the Parish Council shall appoint a qualified member of the parish to fill the vacancy.

THE SECRETARY OF THE PARISH COUNCIL

Appointment

33. Every Parish Council, at its first meeting following the Annual Congregational Meetings, shall appoint a Secretary.

Term of Office

34. The Secretary shall be appointed for a one-year term, and may be re-appointed. After serving three consecutive one-year terms, the Secretary shall retire and shall not be eligible for re-appointment until one year shall have elapsed.

Duties of the Parish Council Secretary

35. It shall be the duty of such Secretary:

(a) To keep minutes of all meetings of the Parish Council;

(b) To perform such other duties as may be prescribed by the Parish Council from time to time.

Replacement of Parish Council Secretary

36. In the case of the death, resignation, refusal or neglect to serve, incompetence, or transfer from the parish of the Secretary, the Parish Council shall appoint a qualified member of the parish to fill the vacancy.

PROVISION FOR ELECTED CHAIR

37. All meetings of the Congregation, Vestry, and Parish Council, held in conformity with this Canon shall be presided over by the Incumbent, or, in the absence of the Incumbent by the curate, or, if there should be no curate, by one of the Churchwardens, or, in the case of the Parish Council, by one of the officers of the Parish Council. However, if the Incumbent so elects (which election shall be solely within the discretion of the Incumbent), the members present at a Congregational Meeting or meeting of the Vestry or Parish Council, as the case may be, may elect one of their number to be the Chair; and in the case of the Vestry and/or Parish Council, that member shall continue to serve as Chair until the first meeting of such Vestry or Parish Council following the Annual Congregational Meeting or Meetings, or following the appointment of a new Incumbent; at which time, should the Incumbent so elect, a new Chair may be elected, or the Incumbent may assume the office.

THE PROGRAMME COMMITTEE

Formation

38. (1) There shall be a Programme Committee or Committees in every parish, which shall take the form of:
(a) a unified Parish Programme Committee; or
(b) a separate Congregation Programme Committee; or
(c) a combination of both.

Duties of Programme Committees

(2) It shall be the duty of the Programme Committee or Committees:
(a) to initiate and carry out programmes in the parish and/or congregation, using the sub-committee system;
(b) to meet and share information about plans and activities, and to oversee and co-ordinate programmes developed;
(c) to be in communication with the Programme Committees of the diocese and the National Church;
(d) to arrange for the implementation in the parish or congregation, as the case may be, of programmes initiated by the Diocese or the National Church.

Operation

(3) The Diocesan Council shall from time to time provide guidelines for the operation of Parish and/or Congregational Programme Committees.

PARISH PROPERTY

Title to Property

39. Ownership of all Real Property and buildings located thereon in the Diocese shall be vested in the name of the Diocesan Synod of Eastern Newfoundland and Labrador.

Ownership of Other Property

40. (1) Ownership of other chattels, furnishings and personal property shall be held by a Parish, congregation, or organization, as the case may be.

(2) Upon disestablishment of a parish, congregation, or organization, or disassociation of a parish, congregation, or organization ownership of all property of the parish, congregation, or organization shall vest in the Synod and any trust in favour of the parish, congregation, or organization shall thereupon terminate.

Incumbent to Control Property

41. Every Incumbent in the diocese shall upon appointment, assume and, while remaining in office, continue to hold and exercise the possession, management, care, control and use of all parish and congregational property within and pertaining to that Incumbent's parish or congregation, subject to such limitations and directions as may be made or given from time to time by the Diocesan Executive Committee, and the Incumbent shall surrender such charge and control to the Bishop whenever legally called upon to do so.

Leasing of Church Property

42. (1) The Incumbent together with the Churchwardens or the Parish Council, as the case may be, may lease or let Church lands, building or houses within the parish or congregation (excepting the Church Building and its grounds) upon the following terms and conditions:
    (a) The Lease shall not have a term exceeding seven (7) years;
    (b) The lessee or tenant may not sublet without consent of the Lessor;
    (c) There shall be an annual rent payable;
    (d) Any trade or business may only be conducted on the leased property with the consent of the lessor;
    (e) Vacant lands may not be leased for building purposes.

43. With the exception of rents and other revenue derived from Cathedral Glebe, all rents or other revenue derived from the leasing of parish property or parish glebe lands may be retained by the parish or congregation, as the case may be.

Permission Required to Mortgage, Develop, or Dispose of Property

44. Except as permitted under Clause 45 of this Canon, the Incumbent and Wardens or Parish Council, as the case may be, may not:
    (a) mortgage property; or
    (b) remove, repair, alter, build, or otherwise develop or dispose of property of the parish or congregation without having first obtained the written consent of the Finance and Administration Committee of the Diocese.

45. The Diocesan Executive Committee may establish regulations from time to time whereby the Incumbent and Churchwardens or the Parish Council, as the case may be, may carry out construction, repairs, or other alterations to parish property without the written consent of the Finance Committee having been first obtained.

46. Applications for approval of construction plans by the Finance Committee shall be submitted on approved forms to that Committee signed by the Incumbent and the Churchwardens or two members of the Parish Council as the case may be. A plan of proposed work shall be submitted for approval with every application seeking authority to erect, repair or alter any building, together with a cost estimate and a statement as to how such costs are to be paid.

RECTORIES

Housing Provision

47. It is the duty of each parish to provide adequate housing to the Incumbent and the Incumbent's family. This shall be done either by:
    (a) providing a suitable house, free of rent, hereafter referred to as the "rectory"; or,
    (b) providing a housing allowance in accordance with diocesan policy.

Duty of Incumbent

48. Where a rectory is provided, it shall be the duty of the Incumbent and family to be careful and considerate occupants, and generally to behave toward the rectory as though they were the prudent tenants of it.

Duty of Parish

49. It shall be the duty of the parish, exercised by two members designated for the purpose by the Parish Council, or by the Vestry where there is no Parish Council, generally to act as careful and considerate owners of the rectory; and in particular, to keep the rectory in good repair, insured in accordance with diocesan policy, adequately heated, and provided with such things as may be determined from time to time by diocesan policy.

50. The costs of heating the rectory and of all utilities except personal long distance telephone charges shall be borne by the parish.

Repairs and Replacements

51. The Incumbent shall, in writing, call to the attention of the persons designated in Section 49 of this Canon 5 to be responsible for the upkeep of the rectory, any repairs or replacements to the rectory which the Incumbent considers necessary.

Inspections

52. A committee consisting of the Incumbent, the persons designated in Section 49 of this Canon 5, two additional members of the parish appointed for the purpose by the Parish Council or the Vestry as the case may be, and the territorial Archdeacon or representative of the Archdeacon, shall inspect the rectory annually; and they shall submit, in writing, a report to the Parish Council or to the Vestry on the state of repair of the rectory, and make recommendations respecting any repairs or replacements they consider necessary. A copy of their report and recommendations shall be sent to the Diocesan Executive Officer.

Incumbent's Death or Disability

53. In the event of the death or long-term disability of the Incumbent, the Incumbent's family shall be permitted to remain living in the rectory free of rent for a period of up to three months following the death or incapacity.

Additional Clerics

54. Where more than one cleric has been appointed by the bishop to serve in the parish, the parish is responsible for providing each such additional cleric and family adequate housing in accordance with the spirit of Section 47 of this Canon 5; and if a house is provided, the provisions of Sections 47 to 53 of this Canon 5 apply *mutatis mutandis* to such house.

INSURANCE

Inventory

55. An inventory of all parish property shall be prepared and submitted to the Finance Committee by every parish and congregation, as the case may be, in the Diocese at such times as the Finance Committee may direct.

Insurance

56. All property of the Diocese shall be adequately insured to the replacement value thereof under a policy of insurance established by the Diocese for all Diocesan, Parish, and congregational property. However, for certain properties, a value other than replacement value may be approved by the Finance Committee. In addition, regular and full-time lessees shall be required to provide proof of adequate insurance to cover any claims for property damage, personal injury or death.

57. The Administration and Finance Committee shall have power to collect from parishes and congregations the respective proper contributions towards the general premiums to be paid for the Diocesan Insurance Policy(s).

CEMETERIES

Management

58. Every cemetery belonging to the Church shall be managed by the Incumbent and Churchwardens or duly constituted Cemetery Committee of the congregation to which it belongs.

59. It shall be the duty of the Incumbent and Churchwardens or of the Cemetery Committee as the case may be:
    (a) to have each cemetery of which they have the management carefully divided into lots and graves;
    (b) to have prepared a plan indicating the location and size of such lots and graves;
    (c) to sell or assign such lots and graves, determining the price to be charged for them;
    (d) to collect all money due on account of lots and graves sold, and to disburse it for the maintenance of the cemetery fences and for keeping the cemetery in proper condition;

(e) to use every effort to keep the property adequately fenced and in good order, and to protect it from injury, vandalism, desecration, and all improper use.

60. No one shall have the right to make selection of a lot, to prepare a grave, to erect a marker or monument, or in any way to make use of or interfere with such cemeteries, without the approval and authority of the appropriate Incumbent and Churchwardens or Cemetery Committee as the case may be.

Officiating at Funerals

61. No one shall have the right to officiate at a funeral without the consent of the Incumbent of the parish or of one of the parishes to which the cemetery belongs. If the parish does not have an Incumbent at the time, or in the Incumbent's absence, such consent may be given by one of the Churchwardens of the appropriate congregation.

Joint Ownership, Management

62. (1) Two or more congregations or/and parishes may agree together to own and manage jointly a cemetery or cemeteries, and the Incumbent and Churchwardens of each of the congregations or/and parishes shall cause to be set up a Cemetery Committee to manage such cemetery or cemeteries.

(2) The membership of such Cemetery Committee shall consist of the Incumbent and an agreed number of persons of each congregation or/and parish involved, appointed by their respective Vestries.

St. John's/Mount Pearl Cemeteries

63. The area on Forest Road, St. John's, on the Kenmount Road (Trans Canada Highway), and elsewhere in the vicinity of St. John's and Mount Pearl designated by the Executive Committee as a cemetery, shall be common to the parishes of the cities of St. John's and Mount Pearl, and be managed by a Cemetery Committee consisting of the Incumbent and Lay representatives of each of those parishes.

Reporting

64. The accounts of a Cemetery Committee, closed on the thirty- first day of December in each year, shall be presented to the annual meeting of that body. Copies of these accounts, as passed, together with a report of the operations of the Cemetery Committee, shall be provided to its constituent congregations or/and parishes for presentation at their respective Annual Congregational Meetings.

ORGANISTS AND CHOIR DIRECTORS

Appointment and Responsibility

65. All Organists and Choir Directors shall be appointed to their office by the Vestry of the parish or congregation, and such organists and choir directors shall be responsible to and under the direction of the Incumbent of the parish or congregation in the performance of their duties and the ordering of services, including the musical portion thereof which shall be under the control of the Incumbent.

66. Organists and Choir Directors shall hold office at the pleasure of the Vestry of the parish or congregation, as the case may be, or on such terms as to tenure of office and payment of salary as shall be agreed upon.

PARISH ARCHIVIST

Appointment

67. Every Parish or congregation shall have an Archivist who shall be appointed by the Rector

Term of Office

The Parish Archivist shall be appointed for a three-year term, and may be re-appointed at the discretion of the Rector.

Duties

The parish Archivist shall:

(a) form an Archives Committee to ensure the involvement of parishioners and other interested parties;

(b) liaise with the Diocesan Archives Committee in following any policies or procedures for the operation of Parish Archives;

(c) carry out the work of the Parish Archives as needed with particular attention to the preservation of congregational and parish records as well as other significant documents, pictures and artifacts.

PARISHES WITH UNIQUE STRUCTURAL ORGANIZATION

68. The Diocesan Executive Committee may authorize parishes formed by the merger of two or more pre-existing parishes to be organized into two or more Pastoral Units, with a cleric resident in each Unit and exercising pastoral leadership and care particularly in that unit. The boundaries of such Pastoral Units shall be established by the Diocesan Executive Committee after consultation with the Incumbent, the other clerics appointed to minister in the parish, and the Church Wardens of the constituent congregations. Such boundaries shall be subject to review at least every five years.

69. Care shall be taken by the diocesan, parochial and congregational leadership to foster a sense of unity and cohesiveness within such parishes. However, distinct pastoral and structural needs of each Pastoral Unit and of the parish as a whole in such parishes must also be recognized. To this end the Diocesan Executive Committee may approve rules of order for such parishes, in consultation with the respective Parish Council, that may diverge somewhat from but remain consistent with the spirit and principles of the Canons of the Diocese.

70. Without limiting the generality of such rules of order pursuant to Section 69, the rules of order may address:

(a) the appointment of the Incumbent and other clerics in the parish;

(b) the relationship of the Incumbent and other clerics to the various members and congregations of the parish;

(c) the residence of the clerics in the Pastoral Units and responsibility for the housing of such clerics;

(d) the membership and procedures of the Parish Council;

(e) the nature, membership and procedures of parochial standing committees;

(f) inter-Pastoral Unit organization and co-operation.

MISCELLANEOUS

Copy for Reference

71. A copy of this Canon shall be available at every meeting of the Congregation, Vestry, and Parish Council, for reference.

CANON 6

REGIONAL DEANS AND DEANERIES

1. The Diocesan Executive Committee, with the concurrence of the Bishop, may at any time create a Regional Deanery, which shall consist of no fewer than three parishes. The Diocesan Executive Committee shall establish and alter boundaries in consultation with the Deaneries concerned.

Deanery Chapter

2. The clerics and other persons licensed by the Bishop and serving full-time within the Deanery shall constitute the Deanery Chapter, of which the Regional Dean shall be Convenor and Chair.

3. The duties of the Deanery Chapter shall be:

   (a) To foster communication among the members of the Chapter;

   (b) To be a forum where members of the Chapter will be able to share their concerns and support one another in their personal, spiritual, and professional growth;

   (c) To be a forum where members will be able to discuss national and diocesan programmes;

   (d) To share parish concerns and programmes.

4. Each Deanery Chapter shall elect a Secretary and a Treasurer.

Regional Dean

5. After consultation with the members of the Deanery Chapter, the Bishop shall appoint a Regional Dean, who may hold office for three years. The Regional Dean may be reappointed to a second three-year term.

6. The Regional Dean shall be *ex-officio* a member of the Diocesan Executive Committee and of the
Finance Committee.

7. The duties of the Regional Dean shall be:

   (a) To visit every parish in the Deanery at least once in three years;

(b) To provide, under the authority of the Bishop, for the administration of the Holy Communion and other worship services in the parishes of the Deanery that do not have an Incumbent or curate;

(c) To convene a meeting of the Deanery Chapter at least four times each year;

(d) To convene a meeting of the Deanery Council at least twice a year;

(e) To report to the Bishop in writing on each meeting of the Deanery Chapter and Deanery Council;

(f) To assist clerics new to the diocese who are residing in the Deanery;

(g) To perform such other duties as may from time to time be assigned by the Bishop.

(h) to survey all Churches, Chapels and cemeteries and other Church property and to give directions for the amendment of all defects in the walls, fabric, ornaments and furniture of the same;

(i) to examine the Inventory of Church lands and property held by Churchwardens and to ensure their safety;

(j) from time to time, and especially during a vacancy, ascertain the condition of the rectory of a parish and make recommendations, if necessary, to the Vestry or to the Parish Council, as the case may be, regarding redecoration, repairs or improvements;

8. The members of the Deanery Chapter shall, to the best of their ability, cooperate with the Regional Dean in carrying out the duties of the Regional Dean, and work together for the overall benefit of the Church in the Deanery.

Deanery Council

9. Each Deanery of the Diocese shall have a Deanery Council consisting of:

(a) The members of the Deanery Chapter;

(b) Lay representatives from each parish within the Deanery, elected or appointed in accordance with the by-laws of the Deanery Council. Included in the representatives from each parish shall be at least one officer of the Parish Council or, where there is no Parish Council, one Churchwarden, and the Lay Members of the Synod.

10. The Deanery Council shall make by-laws, which shall be subject to the approval of the Bishop, providing for the efficient functioning of the Deanery Council, including:

    (a) The representation of each parish on the Deanery Council;

    (b) The officers of the Deanery Council and their tenure.

11. The duties of the Deanery Council shall be:

    (a) To assist the Bishop in the pastoral care of the Deanery;

    (b) To identify and express the concerns, needs, and desires of the parishes in the Deanery;

    (c) To foster communication among the parishes of the Deanery;

    (d) To implement national and diocesan programmes at the Deanery level;

    (e) To provide a forum for the discussion of matters to be dealt with at meetings of the Synod;

    (f) To deal with such matters as may be referred to the Deanery Council by the Diocesan Executive Committee and the Finance Committee of the diocese.

CANON 7

RELATIONS OF THE CATHEDRAL AND PARISH CHURCH OF ST. JOHN THE BAPTIST

Responsibility for Worship

1. The Incumbent of the Cathedral Parish of St. John the Baptist, except as is hereinafter provided, shall be responsible for the due and orderly performance of Divine Service in the said Cathedral, and for the execution of duties appertaining thereto, whether as Cathedral or as Parish Church.

Responsibility for Fabric

2. The fabric of the said Cathedral shall be under the control of the said Incumbent and the Churchwardens thereof, according to the laws governing such matters. The fabric shall include the foundations, floors, walls, ceilings, roofs and all such structural elements of the Cathedral building itself, and all furnishings, fittings and utilities such as heating and lighting systems required to support the maintenance of fabric.

Income from Glebe Lands

3. All income from Glebe Lands and Glebe Funds shall be under the administrative jurisdiction of the Cathedral authorities even though the Land and Funds themselves are under the direct authority and control of the Synod. The income shall be applied towards the restoration and maintenance of the Cathedral Fabric and Diocesan expenditures in accordance with agreement reached from time to time by the Cathedral authorities with the Diocese. Notwithstanding the foregoing, the Cathedral authorities may make a proposal to the Diocese to apply some or all of the proceeds received from any sale of Glebe Lands occurring on or after May 1, 2016 to restoration and maintenance of the Cathedral Fabric in accordance with agreement reached with the Diocese after consideration by the Diocese of any such proposal, prior to investment of the proceeds of sale in AJI

Rights of the Bishop

4. The Bishop shall at all times take such part in the Services held or performed therein as the Bishop shall desire, and shall have the right to preach therein at any Service, upon giving reasonable notice to the Incumbent.

5. The Bishop may, with the concurrence of the Incumbent, invite or appoint a cleric not belonging to the ordained staff officiating in the Cathedral to preach or officiate therein at a particular Service, upon giving reasonable notice to the Incumbent.

Worship

6. The Services in the Cathedral shall at all times be conducted in conformity to the Rules prescribed by the liturgical formularies of the Anglican Church of Canada, and to such directions as the Bishop in his capacity as Ordinary may, from time to time, issue to the Diocese.

7. At any and every Visitation, Confirmation, Ordination, meeting of Diocesan or Provincial Synod, General Thanksgiving or General Fast, the Services of the said Cathedral and the appointment of the preacher shall be according to the special direction of the Bishop.

8. The Bishop shall have the use of the necessary facilities within the Cathedral for such meetings as the Bishop may desire to hold there, upon giving reasonable notice to the Incumbent.

Line of Authority

9. In order to avoid confusion, all orders and direction concerning the Church, either as Parish Church or Cathedral, shall be given to the subordinate Officers of the Church through the Incumbent or, in the absence of the Incumbent, through one of the Curates or the Churchwardens.

Cathedral Chapter

10. The Bishop, the Dean, the Administrative Officer, the Archdeacons and the Canons shall constitute the Chapter of the Cathedral of St. John the Baptist.

11. The Chapter shall serve as an advisory body to the Bishop and the Dean, particularly with respect to the Cathedral and the Diocese. The Chapter may also advise the Bishop in matters pertaining to the welfare of the Diocese which do not fall within the scope of the Synod or of any other body appointed by Canon, and assist the Bishop to sustain the unity of the Diocese. The Chapter may undertake other duties at the request of the Bishop.

12. The Dean shall normally Chair meetings of the Chapter. Subject to the approval of the Bishop the Chapter shall establish its own rules of procedure.

13. Members of the Chapter shall each have a designated chair or stall in the Cathedral. Upon resignation or retirement they shall each deliver up their chair or stall to their successor. If they are entering formal retirement they may retain their titles in an honorary capacity.

CANON 8

THE JOINT COMMITTEE

Commitment

1. The three Dioceses of Eastern Newfoundland and Labrador, Central Newfoundland and Western Newfoundland acknowledge that they share a common Anglican heritage and responsibility within the boundaries of the civil Province, and a common loyalty as integral parts of the Anglican Church of Canada and of the Anglican Communion. They desire to develop this heritage and express this loyalty by a close collaboration in important aspects of Diocesan life; and each Diocese willingly commits itself to accept a Joint Committee as part of its structure, in order to express this common life in the Body of Christ.

Enactment, amendment, repeal

2. Enactment, amendment or repeal of any part of this Canon may be made effective by a majority vote in the Synod of each of the three Dioceses, notice of motion to enact, amend or repeal having been given in writing to the appropriate Executive Committee/Diocesan Executive Committee at least thirty days before the Synod Session begins, by a proposer and seconder who are members of Synod.

Purpose

3. Purpose of the Joint Committee shall be to recommend policy in matters of mutual concern such as administration, programme development and supervision. In any matter of mutual concern, the Committee will speak on behalf of the three Dioceses through the Senior Bishop.

Membership

4. The membership of the Joint Committee shall be:

    (a) The Diocesan Bishops;

    (b) One cleric from each Diocese elected by its Synod for a two year term (who shall be an ex-officio member of the Executive Committee/Diocesan .0yCouncil of that Synod);

    (c) Two Lay persons from each Diocese elected by its Synod for a two year term (who shall be ex-officio members of the Executive Committee/Diocesan Executive Committee of that Synod).

    (d) One staff person appointed by each Diocesan Executive Committee/Diocesan Executive Committee from its Diocesan Office.

(e) The Chancellor, or in his absence the Vice-Chancellor. *(To take effect upon a similar motion adopted by the Central and Western Dioceses and by Joint Committee.)*

There shall be substitutes to the Clerical and Lay members who shall be elected by the Synods and who may attend meetings in the absence of regular members. Elected members are eligible for re-election for one successive two year term.

Each Diocesan Executive Committee/Diocesan Executive Committee shall appoint a substitute staff person to attend meetings in the absence of the regular appointed staff person.

Officers

5. (1) The Joint Committee shall elect a Chair, Vice-Chair, and a Secretary who shall hold office for two years;

(2) Every member is eligible for election to these offices;

(3) Officers are eligible for re-election for one successive two year term.

Meetings

6. The Joint Committee shall meet at least once each quarter.

Duties

7. The Joint Committee shall be responsible for:

(a) Providing a forum for the exchange of ideas among the three Dioceses on matters affecting the life of the Church;

(b) Developing and implementing a policy for recruitment and training for Ministry in the three Dioceses;

(c) Ensuring the mobility of the clerics in the three Dioceses and implementing a policy for the appointment of clerics as provided in Clause 8A of this Canon;

(d) Implementing a policy for payment of clerics as provided by Clause 8B of this Canon;

(e) Implementing a policy concerning the tenure of incumbency as provided for in Clause 8C of this Canon;

(f) Developing policy for the use of personnel who may be shared for work in the three Dioceses;

(g) Maintaining general oversight of any tri-diocesan office which may be established from time to time;

(h) Developing and maintaining Anglican education policy in the Province of Newfoundland under the terms of the Document of Integration and the provisions of The Education Act in cooperation with the Anglican representatives of the Integrated Education Council;

(i) Maintaining a continuing concern for the effective operation of Queen's College in keeping with The Act of Incorporation of Queen's College, and recommending changes in policy if and when considered necessary;

(j) Maintaining a continuing concern for the effective operation of The Anglican Charitable Foundation for Children in keeping with the Memorandum of Association of The Anglican Charitable Foundation for Children, and recommending changes in policy if and when considered necessary;

(k) Setting up and maintaining policy guidelines for the publication of *The Newfoundland Churchman*;

(l) Setting up a Joint Investments Committee representative of the Synods of the three Diocese;

(m) Developing an overall framework for the purpose of facilitating and directing diocesan and parish evaluations;

(n) Fulfilling other responsibilities which the Synods of the three Dioceses through their Executive Committees/ Diocesan Executive Committee may assign to it.

8. **Policy**

A. Vacancies

Procedure when an incumbency or other staff position is vacant.

1. The Bishop shall inform all clerics in the three Diocese of the vacancy.

2. Any cleric may notify this Bishop of interest in the Incumbency.

3. All applications from the three Dioceses shall receive equal consideration.

4. Without limiting the generality of the foregoing, the Bishop may invite applications from outside the three Dioceses.

5. The appointment will be made by the Bishop after any other requirements of the Canons of that Bishop's Diocese are fulfilled and after consultation with the Bishops of the other two Dioceses.

B. Clerical Stipends

Procedure for ensuring a common scale of clerical stipends and allowances.

1. After consultation with the Executive Committees/ Diocesan Executive Committee of the three Dioceses, the Joint Committee shall annually fix a scale of stipends for clerics and a scale of travelling and moving expenses.

2. Each Diocese shall accept these scales as the minimum to be paid to its clerics.

C. Evaluations

Each Diocese subscribes to both diocesan and parish evaluations.

CANON 9

QUEEN'S COLLEGE

Membership in Corporation

1. The Ex Officio members shall be:

    a) The Bishop of each diocese in the Province of Newfoundland and Labrador,
    b) The Provost, and
    c) The holders of such other offices or honours as the Corporation may designate.

2. The Corporation shall accept as appointed members:

    a) One member to be appointed by each Bishop, and
    b) One cleric and one lay person to be appointed by the Executive Committee of each diocese.

3. The term of office of appointed members shall be two years. Such members shall be eligible for re-nomination for no more than two further consecutive terms for a total of three consecutive terms, or six years. Following an absence of one two year term, a member may be reappointed.

College Property held by Synod

4. Property and funds of and pertaining to Queen's College held by the Diocese shall be conveyed, assigned, transferred, and paid to Queen's College.

5. Property and funds of and pertaining to Queen's College held by the Diocese in trust or settlement for Queen's College shall be held and dealt with in accordance with the terms and conditions of such trust or settlement.

Reporting

6. Queen's College shall present a report of its conditions and affairs to each Session of the Synod.

CANON 10

REPRESENTATION IN THE GENERAL SYNOD

Time of Election

1. Subject to Section 3(2) of this Canon 10, the Synod shall, at the meeting immediately following a Session of the General Synod, elect members to serve as representatives of the Diocese in the forthcoming General Synod.

Equality, Clerical and Lay

2. The members to be elected shall consist of clerics and Lay Members in equal numbers.

Number

3. (1) The number of members of each Order to be selected shall be determined in relation to the number of licensed clerics in the Diocese at the time of such selection, according to the scale set forth in Section 12 of the Constitution of the General Synod (4th Edition, Revised 1960) as amended or replaced from time to time.

(2) At least two of the representatives to be selected shall be appointed by the Bishop in accordance with the Diocesan Policy regarding elections and appointments.

Substitute Representatives

4. In addition to the required number of members of each Order selected in accordance with Section 3 hereof, an equal number of members of each Order shall be selected as substitute members of the General Synod.

Term of Office

5. The elected members of the General Synod shall hold office until their successors are elected, provided that they continue to be members of this Synod.

Eligibility for Election

6. Only persons who are members of the Synod and are resident in the Diocese shall be eligible for election as members of the General Synod.

Procedure for Election

7. (1) At least one month prior to the regular meeting of the Synod each Deanery shall forward to the Nominations Committee of the Synod the names of two or more clerics and two or more Lay Members of Synod who are resident in that Deanery, for nomination as representatives of the Diocese in the General Synod.

(2) The Nominations Committee shall present to the Synod a slate of nominees to be representatives of the Diocese in General Synod containing the names of at least twice as many persons of each Order as the Synod is entitled to elect.

(3) The election shall take place in plenary session of the Synod. The nominees of each Order, up to the number of persons provided for in Section 3 of this Canon 11, receiving the highest number of votes shall be declared elected as representatives of the Diocese in General Synod; and the nominees of each Order, up to the number of persons provided for in Section 4 of this Canon 11, receiving the next highest number of votes shall be declared elected as substitute representatives of the Diocese in General Synod.

Attendance

8. If a clerical or lay representative of the Diocese in General Synod cannot attend a Session of General Synod, the Diocesan Executive Officer shall seek among the substitute representatives of the same Order, in order of plurality of votes received in the election, to attend. If none of the substitute members can attend, then the Bishop shall appoint a member of the Synod of the same Order, who is able to attend, to represent the Diocese in General Synod.

CANON 11

REPRESENTATION IN THE PROVINCIAL SYNOD

Time of Election

1. The Synod shall, at the meeting immediately following a Session of the Provincial Synod elect four clerics and four Lay Members to serve as representatives of the Diocese in the Provincial Synod.

Youth Representative

2. In addition to the persons elected in accordance with Section 1 hereof, one Lay Member between the ages of sixteen and twenty-four at the time of election shall also be elected at that same meeting of the Synod to serve as a representative of the Diocese in Provincial Synod.

Substitute Representatives

3. In addition to the required number of members of each Order elected in accordance with Sections 1 and 2 hereof, an equal number of members of each Order shall be elected as substitute members of the Provincial Synod.

Term of Office, Eligibility and Procedure for Election

4. The term of office, eligibility, and procedure for the election of representatives and substitute representatives to Provincial Synod shall be in accordance with Canon 10, Clauses 5 - 8 thereof.

POLICY 1

GENERAL GUIDELINES GOVERNING ELECTIONS

PRINCIPLES

1. When there is to be an election of any kind at the Diocesan Synod or in Deaneries, those eligible should receive a written description of the position(s) to be filled, and the time commitment required, with dates when possible. It is important that all such positions be perceived as work to be done, and not as a reward for service.

2. Persons seeking election to any national or provincial position shall be willing to represent the Diocese. In Diocesan positions they may represent the Regional Deanery or the Parish, as is appropriate. In all cases the work which elected persons are undertaking to do must be on behalf of the body to which they are elected.

3. It is desirable that some balances be attained where possible. The desirability of such balances should be communicated to voters at the time of an election so as to assist them in making their choices. Balances may be further achieved by including some appointments. In achieving appropriate balance the following factors should be considered: cleric/lay; male/ female; experienced/inexperienced; geographical representation.

4. General and Provincial Synod youth representatives shall be elected by all Synod delegates.

5. When youth members are to be part of Diocesan committees there should be at least two such persons chosen.

PROCEDURES

6. When there is to be an election for representatives of the Diocese in General Synod, Provincial Synod, Joint Committee, the Corporation of Queen's College, and the Brigade Council of the Church Lads Brigade, nominations from the Regional Deaneries shall be submitted to the Nominations Committee prior to the commencement of the meetings of the Synod, and all such elections shall be conducted by ballot at Synod.

(a) All Nominations for positions mentioned in this article six (6), shall be carried out by Regional Deanery Councils and be submitted to the Administration Assistant to the Bishop two (2) weeks prior to the commencement of Synod.

(b) With each and every nominations a biography of each person nominated shall be submitted containing the following:

- Name
- Parish
- Previous Experience in Ministry at the Parish, Diocesan, Provincial or National levels

Biographies shall be distributed at the opening session of synod to all people qualified to vote.

In the case of deaneries who cannot hold a meeting of persons prior to the commencement of synod due to distance or other exceptional circumstances, the regional dean shall cause a meeting via electronic, video, or audio to take place between all synod delegates from their deanery in the same time frame as those who can hold a meeting in person.

7. The above Principles shall have been communicated to the Regional Deanery Chapters and Councils before they make their nominations, and in particular, section 3 respecting balances shall be read at the time of the elections.

8. The elections at Synod shall be chaired by a person duly qualified and appointed by the Bishop.

9. Scrutineers shall collect and count all ballots. The clergy scrutineers shall count the ballots for the laity and the lay Scrutineers shall count the ballots for the clergy. Upon completion of the counting, the Scrutineers shall report the results to the chair of the elections, who shall report to the Bishop the results, who shall then report to synod.

ELECTIONS OUTSIDE THE SYNOD

10. When elections take place for members of the Diocesan Executive Committee or any other Diocesan Committees, Councils, or Boards, the General Guidelines shall also apply.

POLICY 2

CONTENTS OF RECTORIES

1. Where a Parish or the Diocese provides to cleric the use of a house as a term of employment, that house shall be free of rent, and with electricity, heat, basic telephone (all except personal long distance charges), property taxes and insurance on the building provided at the cost of the Parish or Diocese, as the case may be.

2. The Parish or Diocese will equip the house with a stove, refrigerator, laundry equipment, a furnished study, one furnished bedroom, floor coverings, and curtains or drapes.

POLICY 3

HOUSING ALLOWANCES

1. Where rectories are to be replaced, new parishes formed, new positions created, in non-parochial appointments, or in other cases approved by the Finance Committee, a cleric may be paid a housing allowance in lieu of being provided a rectory. The payment of such housing allowance must be approved by the Finance Committee.

2. The Finance Committee shall determine annually the amount of the housing allowance to be paid in the diocese, giving consideration to the cost of rent for an adequate house and the cost of providing heat, light and basic telephone service.

3. The basic contribution to the Additional Voluntary Contribution Fund shall not be paid by a parish or the Diocese, as the case may be, on behalf of a cleric in any month in which that cleric receives a housing allowance. However, an amount over and above the basic contribution, deemed a Ayears of service contribution,@ shall be paid by the Parish or the Diocese matching the amount paid by the cleric over and above the basic contribution, up to the ceiling established from time to time by the Finance Committee

Revised Synod 2001

POLICY 4

SALE OF CHURCH PROPERTY

1. Unless the law otherwise provides, property vested in the Synod may be sold with the consent of the Finance Committee. The Finance Committee may, if it deems necessary, require that an appraisal be done and/or that the property be advertised on the open market.

2. When a parish receives permission from the Finance Committee to sell clergy housing, proceeds from the sale shall be either

    a) Invested with Anglican Joint Investments and income derived used for housing allowance or other purposes as approved by the Finance Committee.

    or,

    b) Used for other capital projects as approved by the Finance Committee.

3. When a parish receives permission from the Finance Committee to sell any other property vested in Synod, proceeds from the sale of such property shall be used for purposes as approved by the Finance Committee.

4. Notwithstanding the forgoing paragraphs, where it is established to the satisfaction of the Bishop or, in his absence, his Commissary, that a delay in obtaining the consent, permission or approval will likely cause hardship or inconvenience, the Bishop (or his Commissary), the Diocesan Executive Officer, and the Finance Officer of the Diocese or any two of them may, at their discretion grant such consent, permission or approval and report same at the next Finance Committee meeting.

Revised Diocesan Executive Committee June 2009

POLICY 5

SALE OR CONSUMPTION OF LIQUOR ON CHURCH PROPERTY

Where Vestry/Parish Council consents to the sale or consumption of alcoholic beverages on church property, care shall be taken to ensure that there is no abuse.

POLICY 6

HOLY BAPTISM

1. Holy Baptism is full initiation by water and the Holy Spirit into Christ's Body the Church. The bond which God establishes in Baptism is indissoluble; hence the sacrament cannot be repeated.

2. Except in emergencies, Holy Baptism shall be administered at a public service, and is appropriately celebrated at the main service on a Sunday or other feast of the Lord, within the context of the Holy Eucharist.

3. It is recognized that Holy Baptism will not be administered every Sunday. It is especially appropriate at the Easter Vigil or on Easter Day, on the Day of Pentecost, on All Saints' Day or the Sunday following, on the feast of the Baptism of the Lord (the First Sunday after Epiphany), on the feast of the Transfiguration of the Lord (or the Sunday following), on Holy Cross Day (or the Sunday following), or when the Bishop is present.

4. The incumbent of the parish is responsible for seeing that appropriate preparation is given to all candidates for Holy Baptism or, in the case of infants and young children, to their parents and sponsors.

5. Only in exceptional circumstances should persons be baptized in a parish other than where they regularly reside or worship. When baptism is requested for a person who is a member of another parish, or for the child of such a person, he or she will first submit to the incumbent the written consent of the incumbent of his or her parish that the baptism proceed, with notification that adequate baptismal preparation has been completed.

6. Sponsors must themselves have been baptized and be able to make the promises. Parents may act as sponsors for their child, or children, provided that there is at least one other sponsor as well.

POLICY 7

ON THE ADMITTANCE OF CHILDREN TO HOLY COMMUNION

1. In this diocese, plurality of practice is accepted with respect to the sequence of receiving of Holy Communion and Confirmation.

2. Before the practice of admitting children to Holy Communion prior to Confirmation is begun in a parish, the congregation must be given opportunity for discussion.

3. Children who have been baptized may receive Holy Communion subject to the decision of their parents or guardians and the Parish Priest.

4. Before a child is brought to receive Holy Communion, the parent(s) or sponsors should receive appropriate instruction as to the meaning and place of the Sacraments in the life of the individual and the Church.

5. The classes of instruction should be open to all members of the congregation whether they wish their children to receive Communion or not. This will help allay fears concerning what is being taught, as well as help educate the congregation regarding the new practice.

6. The course of instruction must have Diocesan approval.

7. If children are of sufficient age, appropriate instruction into the meaning of the Sacrament and how to receive it must be given prior to their receiving. If children become communicants in infancy, care must be taken that their Christian nurture include such instruction as they are able to receive it.

8. If any children wish to participate in the program and subsequently receive Holy Communion, yet have no parent prepared to bring them, responsible adults of the congregation, with the parents' consent, may sponsor and accept responsibility for them.

9. It is desirable that in the case of young children a parent, godparent, sponsor, or other responsible adult be present with the child at the reception of Holy Communion.

10. When the practice is to begin in a parish or congregation, the Bishop is to be notified in writing prior to the event.

11. When a child has been admitted to communicant status, a certificate should be issued.

12. A child admitted to communicant status in any one congregation in the diocese shall be deemed to be a communicant in any parish in the diocese.

13. It is expected that children receiving Holy Communion prior to Conformation will still reaffirm their faith through the Rite of Confirmation at the appropriate time.

POLICY 8

ANGLICAN JOINT INVESTMENTS

1. Monies required for reasonable day to day parish operating expenses can be retained by the parish.

2. Surplus monies, as determined by year-end financial statements, are to be invested through Synod in Anglican Joint Investments.

3. Funds given or granted for special purposes are to be invested through Anglican Joint Investments but subject to donor directions.

4. Granting further exemptions will be at the discretion of Synod upon application by a parish.

5. All investments to be governed by the Trustees Act of Newfoundland, where applicable.

POLICY 9

PAYMENT OF INTEREST ON ASSESSMENT AMOUNTS RECEIVED FROM PARISHES

1. The following criteria must be met before a Parish can qualify for interest on Assessment payments:

   (a) All Assessment arrears for prior years must be paid in full.
   (b) All Assessment arrears for the current year must be paid in full.

2. Interest will be credited beginning the first month following the meeting of criteria in 1. above.

3. Interest will be credited only for the month in which the payment is received. That is, interest will not be earned on a cumulative basis for each payment.

4. If a parish fails to meet its Assessment in any month, interest will be discontinued.

5. In the case of 4 above, interest will be reinstated the month following complete payment of the arrears.

6. If a Parish fails to pay its December Assessment, no interest for the current year will be credited.

7. Interest earned will be credited to the Parish's account in January of the following year.

8. The Finance Committee will set the interest rate on an annual basis not later than November 30 in the relevant year.

POLICY 10

MORTGAGE, DEVELOPMENT OR DISPOSAL OF PROPERTY

By April 15th of each year, each Parish is required wherever practicable to submit to the Regional Dean a statement of their intentions to remove, repair, alter, build, lease or otherwise develop or dispose of property during the ensuing year. Each statement will then be forwarded to the Finance Committee.

1. As per Canon 5, Section 45, Parishes not indebted to the Diocese or Congregations not indebted to the parish, may expend up to $10,000.00 on their properties without the prior approval of the Finance Committee. They must beforehand, however, inform the Finance Committee of any and all such expenditures and works.

2. Where approval of the Finance Committee is required, no work shall start regardless of availability or source of funding, until such approval has been granted.

3. Where deadlines permit, projects must be submitted to the Finance Committee for approval before applications are forwarded to outside agencies. In any case, a copy of the application with supporting documentation, must be forwarded to Finance at the same time as it is sent to the agency.

4. When seeking approval for projects, Parishes should be able to show that they will be able to maintain such property in the ensuing years.

5. Notwithstanding the foregoing paragraphs, where it is established to the satisfaction of the Bishop or, in his absence, his Commissary, that a delay in obtaining the consent, permission or approval will likely cause hardship or inconvenience, the Bishop (or his Commissary), the Diocesan Executive Officer, and the Finance Officer of the Diocese, or any two of them may, at their discretion, grant such consent, permission or approval and report same at the next Finance Committee meeting.

Revised Diocesan Executive Committee June 2009

POLICY 11

DIOCESAN ARCHIVES

1. The Diocesan Archives Committee may establish and collect a fee for services rendered, which fee is to be approved from time to time by the Finance Committee.

2. Parish registers are the responsibility of the parish in which they reside while they are in use. When complete they are to be delivered to the diocesan archives for safe keeping but the parish must maintain a photocopy of all records handed over to the Diocese. It is then the responsibility of the diocesan archivist to care for them. The diocesan archivist will provide care for the completed registers and maintain the integrity of the records.

   Baptism, marriage and burials are public acts. Parishes and the Diocese hold the records of the acts in trust for the participants and for the whole church and are thereby responsible for maintaining the integrity of the records. While the services of baptism, marriage and burial are public acts, access to the records in controlled by the authorized archivist.

   Offers by third parities to do free copying of parish registers, in exchange for total access, are not to be accepted. All types of copies of parish registers are to remain under the control of the Diocese or parish and are not to be distributed to other repositories or researchers. The National Anglican Church Policy forbids the duplication of Registers for circulation and/or profit.

   It has happened that a researcher may ask the archivist to copy several pages or a whole book for his/her research purposes. This gives the researcher unlimited access to records. This is prohibited.

   Privacy and confidentially are of extreme importance and not to be taken lightly. As soon as a register is given to a third party for copying, there is no longer control of those records. The diocesan policy forbids information from parishes registers being posted on the internet.

   The Diocese will not be responsible for doing extensive genealogical research or creating certificates. This task of issuing certificates is a parish responsibility except where the Diocese holds the only records.

Policy 12

Ecclesiastical Matrimonial Commission

1. The files of the Ecclesiastical Matrimonial Commission in the possession of the Diocese are to be destroyed after two years from the date of the finalization of each file, unless determined otherwise by the Bishop.

2. Papers relating to any application to the Ecclesiastical Matrimonial Commission in the possession of any parish are to be destroyed immediately after the decision of the Ecclesiastical Matrimonial Commission has been communicated to the parish, with the exception of the letter concerning the application sent to the respective parish from the Diocesan Executive Officer on behalf of the Commission.

Policy 13

Diocesan Refugee Sponsorship

By virtue of becoming a Sponsorship Agreement Holder with Citizen and Immigration Canada (March 29, 2000), refugee sponsorship is recognized by this Diocese as a mission of this Diocese under the name of The Diocesan Refugee Committee. It is understood that funding for refugee sponsorship will be raised by various groups and individuals outside the structure of the Diocese.

Policy 14

Rental of Church Property

1. Church property will only be made available to groups or organizations for commercial purposes when a Certificate of Liability has been provided.

2. Church property will only be made available to non-profit organizations which carry liability insurance when a Certificate of Liability has been provided.

3. Church property will only be made available for civic, provincial or federal government purposes when a Certificate of Liability has been provided.

4. Church property will only be made available to other group/gatherings which do not have liability insurance when they have signed a waiver of liability form.

Policy 15

Post-dated cheques for Outstanding Loans

When required parish's are to provide the Diocese with twelve postdated cheques for outstanding loans to the Diocese. This policy states the current practice and may be reviewed by Synod at any time.

Policy 16

A POLICY FOR THE FORGIVENESS OF ASSESSMENT ARREARS

PREAMBLE

There are times in the life of a Diocese when there is a call to look to the future without dwelling on the past. As a Diocesan family, we all suffer when one of our members is suffering. This policy highlights the current Constitution of the Diocese and provides a way of helping parishes and the Diocese meets it constitutional commitments; so that we may support each other.

Policy

1. A Parish must demonstrate a determined intention to meet its monthly commitments to the Diocese (Such as Diocesan loans, payroll, assessment, insurance, and the Resource Centre).

   Rationale:
   Cn. 5:11:K-S states: [The wardens shall] cause the stipend of the Incumbent and any Curates to be paid punctually, such stipends being the first charge upon the funds of the parish; [and] cause the parish's assessment to the Diocese to be paid in accordance with diocesan policy, such assessments being the second charge upon the funds of the parish.

2. The Parish must have an **active** Stewardship Committee.

   Rationale:
   Synod 2003 approved that all Parishes shall have an active stewardship committee. In cases where a Parish requires assistance in alleviating the burden of assessment arrears, this Stewardship Committee shall develop an active plan for the future in consultation with the Diocese.

3. The Parish must submit a financial statement detailing all revenues, expenses, assets and liabilities on a monthly basis to the Diocesan Financial Officer.

   Rationale:
   Cn. 5:19:B states [that the treasurer is] To report regularly to the Incumbent, Churchwardens, and Vestry on the financial affairs of the Congregation;

   This requirement is extended to provide a monthly reporting so that the Diocese can continue to monitor financial viability.

4. The Parish must establish a Finance Committee

Rationale:
Cn. 5:13:C-E states [that the vestry must] set up a budget for the congregation for the forthcoming financial year, take steps to secure money to meet such budget, and to give prior approval to major expenditures; To assist the Churchwardens in the collection of offerings and contributions for the work of the Church; To scrutinize all expenditures and accounts pertaining to the congregation;

The establishment of a finance committee [which is a sub committee of vestry] will provide a focus who primary responsibility is to discuss and explore ways and means of addressing the financial concerns of the Parish. When this committee is not in place, the Parish does not have in place an independent safe guard to help in the assessing of the financial concerns that are faced.

5. While the Parish continues to have outstanding financial arrears to the Diocese an appointee cannot be installed as Rector or Incumbent. In order for induction to occur all outstanding obligations to the Diocese must be met.

Rationale:
Cn. 3:45:1 states: An appointment shall only be made provided that arrangements exist satisfactory to the Finance Committee whereby the Parish has met its regular financial obligations, including Synod Assessment, and

1. The Parish is able to do so in the future, and
2. The appointee has accepted such obligations.

(2) Notwithstanding Clause 45(1) hereof, the Bishop may in his/her discretion make an appointment.

Canon 3:45 A Parish which is for the time being in default in complying with the provisions of Section 45 of this Canon, shall forfeit its right to nominate an Incumbent to the Bishop in event of a vacancy; but its status will not be changed by reason only of such non-compliance. Nevertheless, the Diocesan Executive Committee may, in its discretion, at any time reduce a parish so in default to the status of an “Aided Parish”.

6. The Diocese shall establish programs to assist in financial education where it is deemed necessary.

Rationale:
The Diocesan Task Force Report on Ministry (February 29, 1996) discusses clergy education and training and makes special reference to the Annual Residential Conference, courses at Queen’s College. This Residential

Conference should focus on financial management and administration at least bi-annually.

Queen's College should be encouraged to offer regular part time courses and seminars on financial management and administration.

7. The Diocese will forgive an amount of assessment arrears equivalent to the current years assessment that has been paid by the Parish. This forgiveness will occur on December 31st of the current year.

Rationale:

In 1996 the Diocese made an agreement with four Parishes that it would forgive assessment arrears provided that the current years assessments were met annually. Overall this arrangement was successful, and these Parishes have moved forward financially and contribute their share to the Diocesan operations.

8. The Bishop may convene a Deployment Committee for the purpose of hiring and deployment of clergy in all positions in the Diocese.

Rationale:

This committee will assist Parishes and the Bishop with ministry requirements. This would also involve the reactivation of the evaluation process that was developed for the Three Diocese of Newfoundland and Labrador. The Diocese needs to be in a position to adapt to the changing needs for ministry.

Documents referred to:

1.	Task Force Report on Finance and Ministry	August 22, 1995
2.	Advisory Committee Report	February 29, 1996
3.	Enabling Ministry Through Evaluation	

Policy 17

LINE OF CREDIT

These guidelines apply to new applications. Parishes with an established line of credit who may not currently meet these guidelines are encouraged to adopt them.

Parishes who wish to establish a Line of Credit to ease cash flow difficulties must keep the following guidelines in mind.

1. A Parish must apply to the Finance Committee *before* approaching a financial institution. Use Part 2 (Application for Permission to Borrow) of the Permission Forms for Finance Committee, found on the Diocesan Website.

2. A line of credit may be approved based on the Parish's overall financial picture and ability to repay.

3. A line of credit must always be brought to a zero balance by the end of the fiscal year.

4. The amount approved may vary by Parish but will generally be in the $5,000.00 to $15,000.00 range.

Adopted Diocesan Executive Committee – June 2006

Policy 18

Establishment of Endowment Funds

The Diocese of Eastern Newfoundland and Labrador shall encourage the establishment of endowment funds to be approved and established by the Diocesan Executive Committee pursuant to an Establishing Resolution creating a new and separate fund.

The Enabling Resolution shall set forth the obligations of the fund, the terms and conditions (if any) of the fund, the members of the Administration Committee of the fund, to be appointed by the Bishop, and an Advisory Committee to be appointed by the Bishop. The Chair of the Administration Committee shall report on the fund annually to the Diocesan Executive Committee.

Upon the passing of an Enabling Resolution by the Diocesan Executive Committee the Administration Committee shall propose By-laws for the overall management of the Fund, which By- laws shall be adopted with or without amendment. The By-laws may be amended at
any time by a resolution of the Administration committee PROVIDED THAT the amendment is ratified by the next meeting of the Diocesan Executive Committee.

REGULATION 1

PARISH RECORDS

STATISTICAL INFORMATION

Records to be Kept

1. Each parish in the Diocese shall maintain the following records in a neat and legible form:

   (a) a record of services, attendances, communicants, collections taken, and such other statistical information as may be required by Synod or other lawful authority;

   (b) a record of baptisms, those admitted to Holy Communion prior to confirmations, marriages, burials, and other occasional offices of the Church;

   (c) a roll of the parishioners of the Parish;

   (d) a roll of identifiable givers, together with such financial records in such form relating to the financial affairs of the parish as are prescribed by the Canons or by Synod;

   (e) a schedule of all the insurable property of the parish together with a valuation thereof;

   (f) the minutes of all meetings of the parishioners and of the Parish Council and/or Vestry(ies).

Responsibility for maintenance

2. Maintenance of the parish records shall be the responsibility of the Incumbent and Churchwardens of the parish.

Inspection

3. Parish records shall be available for inspection by the Bishop or the Bishop's nominee at all reasonable times.

PAROCHIAL REGISTRATIONS

Registers

4. The manner of keeping the Registers pertaining to baptism and marriages and the matter to be entered and recorded therein shall be as follows:

Baptismal Register

(a) Upon the baptism of any person, the following particulars shall be entered:

(i) the date upon which the baptism was performed;

(ii) the stated date of birth of the person baptized;

(iii) the christian name of the person baptized;

(iv) the given names and surname of the parents of the person baptized; however, in the case of the baptism of a person born to parents who are not married to each other, the given names and surname of the mother of the person shall be entered. The name of the father is not to be entered in the Church register unless the affidavit required by civil law has been duly made.

(v) the place of abode of the parent(s) of the person baptized;

(vi) the quality, trade, profession, business or occupation of the parent(s) of the person baptized;

(vii) by whom the ceremony was performed.

Marriage Register

(b) Upon every marriage performed by the Incumbent or a Curate or other cleric within any parish, the following particulars shall be entered:

(i) the place where the marriage was solemnized;

(ii) the date upon which the marriage was solemnized;

(iii) the given name and surname of the man;

(iv) the given name and surname of the woman before the marriage;

(v) the ages of the man and woman, respectively;

(vi) whether the man was a bachelor, a widower, or a divorced person before the marriage;

(vii) whether the woman was a spinster, a widow, or a divorced person before the marriage;

(viii) the place of residence of the man at the time of the marriage;

(ix) the place of residence of the woman at the time of the marriage;

(x) the Register containing the foregoing particulars, and a certificate that the marriage was performed according to the Rites and Ceremonies of the Anglican Church of Canada, shall be signed by the cleric by whom the Ceremony was performed.

(xi) The Register shall be signed by the parties who have been married, the woman signing her surname as before marriage.

(xii) The Register shall also be signed by not less than two witnesses present at the performance of the Ceremony.

5. Such additional information shall be entered in the registers as the Synod, the Diocesan Executive Committee, or/and the civil authority may from time to time require.

REGULATION 2

PROFESSIONAL LAY MINISTRY

1. The permission of the Bishop shall be obtained before any Professional Lay Ministry position is created and advertised.

2. The written job description for the position of Professional Lay Minister shall be prepared by the hiring parish(s) or Diocese, taking into account the specific needs and requirements for and the ability to sustain such a position.

3. The qualifications for the position of Professional Lay Minister shall include:

   (i) communicant membership in the Anglican Church of Canada;

   (ii) knowledge of and familiarity with the structure of the Anglican Church of Canada;

   (iii) a university degree in the area for which the position is being created, or a suitable combination of post-secondary education and experience; and preferably a demonstration of some competence in Biblical studies.

4. (a) The position of Professional Lay Minister is intended to be for twelve months a year either on a full or part-time basis. The job description to be issued for the position shall include:

      (i) the hours of work expectations;

      (ii) the goals and objectives of the position;

      (iii) a detailed description of duties and a clear indication of the areas of ministry for which the individual would be responsible.

   (b) The job description of the position of Professional Lay Minister shall be advertised as necessary, and a copy of the job description shall be provided to any person interested in applying for the position.

   (c) Necessary interviews of applicants for the position of Professional Lay Minister shall be conducted by the hiring Parish(s) or Diocese.

5. The licence issued to a Professional Lay Minister shall be for a specific purpose and place of employment, and shall terminate on the ending of the contract of employment.

6. On the appointment of a Professional Lay Minister an appropriate service of *Installation and Celebration of a New Ministry* should be held to initiate the Professional Lay Minister, which service should be conducted by the Bishop or the Bishop's representative.

7. The Professional Lay Minister shall take day-to-day direction from the Parish(s) or Diocesan official who shall have endorsed the licence of the Professional Lay Minister, or such other person(s) or committee(s) to whom such authority shall have been delegated.

8. A Professional Lay Minister, upon being licensed, shall serve a period of probation of up to one year at the discretion of the hiring Parish(s) or Diocese.

9. There shall be an annual evaluation of the Professional Lay Minister carried on by a committee established for such a purpose by the hiring Parish(s) or Diocese, with which committee the Professional Lay Minister shall meet from time to time during any year.

10. The salary and benefits received by a Professional Lay Minister shall be in accordance with Diocesan policy.

11. The Bishop shall be notified upon the termination of any Professional Lay Minister's contract of employment.

12. (a) In the case of any dispute between the Professional Lay Minister and his or her employer during the term of employment, either party shall be entitled to give the other party notice of such dispute and demand arbitration thereof and, after giving notice and demand, each party shall at once appoint an arbitrator and such appointees shall jointly appoint a third to be chair. The decision of any two of the three arbitrators so appointed shall be final and binding upon the Professional Lay Minister, and the dispute shall be so decided by arbitration alone and not by recourse to any court by action at law.

(b) If within a reasonable time the two arbitrators appointed by the Professional Lay Minister and his or her employer do not agree upon a chair, or if the party who has been notified of a dispute fails to appoint an arbitrator, then a chair or an arbitrator to represent the party in default may, upon petition of the party not in default be appointed by a judge of the Supreme Court of Newfoundland. The cost of arbitration shall be apportioned between the parties hereto as the arbitrators

may decide.

13. A Professional Lay Minister shall provide two months notice of resignation of his or her position.

14. A Professional Lay Minister shall be provided two months written notice of termination by the Parish(s) or Diocese as appropriate, for termination other than for just cause.

15. A licence issued by the Bishop to a Professional Lay Minister may be revoked at the pleasure of the Bishop at any time for conduct deemed by the Bishop to be contrary to the terms and conditions of the licence or the requirements of the employment contract. Such revocation and discharge may occur without notice, but is subject to the grievance procedure set forth in Section 12 of this Regulation at the request of the Professional Lay Minister.

16. It is understood that the acceptance of the Bishop's Licence and authority, while providing the same benefits as ordained clergy, would preclude the Professional Lay Minister from claiming severance benefits other than those provided in the contract of employment or those to which an ordained cleric would be entitled.

17. Any Parish intending to establish the position of Professional Lay Minister, as well as any individual appointed to the position, should be provided a copy of Canon 3 of the Diocesan Constitution and Canons along with this Regulation.

APPENDIX 3

THE RESTRUCTURING OF THE ANGLICAN DIOCESE OF NEWFOUNDLAND ACT, 1975 - 76

AN ACT TO PROVIDE FOR THE RESTRUCTURING OF THE ANGLICAN DIOCESE OF NEWFOUNDLAND (December 19, 1975)

WHEREAS at the Biennial Session of the Diocesan Synod of Newfoundland held at St. John's in November, 1973, a Resolution was adopted that the Anglican Diocese of Newfoundland be restructured into three separate and autonomous Dioceses.

AND WHEREAS at the meeting of the Synod of the Ecclesiastical Province of Canada held at St. John's in June, 1974, the said Resolution was approved in principle:

AND WHEREAS the formal consent of the General Synod of the Anglican Church of Canada was granted at the meeting of the General Synod held in Quebec City in June, 1975;

AND WHEREAS it has been agreed that the Diocese of Newfoundland be restructured into three separate and autonomous Diocese.

1. This Act may be cited as The Restructuring of The Diocese of Newfoundland Act, 1975 – 76. *Short title*

2. The Diocese of Newfoundland as it existed immediately prior to this Act is hereby restructured into the following three separate and autonomous Dioceses, namely; *Restructuring of Diocese of Nfld.*

    a. the Diocese of Eastern Newfoundland and Labrador to be composed of all that territory situate to the East and South of a straight line drawn from Swift Current River in Placentia Bay to Highway 1, just West of Goobies, thence to Deep Bight in the Northwest Arm of Trinity Bay and extending Eastward through Random Sound, together with the Territory of Labrador (with the exception of the Parish of Forteau);

    b. the Diocese of Central Newfoundland to be composed of all that territory bounded on the East by a straight line drawn from Swift Current River in Placentia Bay to Highway 1, just West of Goobies, thence to Deep Bight in the Northwest Arm of Trinity Bay and extending Eastward through Random Sound, and on the West by a straight line drawn from Rencontre West to Hind's Lake and thence to Middle Arm in Green Bay and along the North side of Green Bay; and

c. the Diocese of Western Newfoundland to be composed of the territory situate to the Southwest and North of a straight line drawn from Rencontre West to the West side of Hind's Lake thence to Middle Arm in Green Bay and along the North side of Green Bay, together with the Parish of Forteau (from Blanc Sablon to Red Bay, Labrador)

Diocesan Synod of each Diocese constituted as a body corporate.

3. The Diocesan Synod of each of the three Dioceses shall be constituted as a body corporate, having perpetual succession and being known and recognized by the name of:

(a) The Diocesan Synod of Eastern Newfoundland and Labrador.

(b) The Diocesan Synod of Central Newfoundland; and

(c) The Diocesan Synod of Western Newfoundland.

respectively, and each shall have all the privileges and liabilities of a corporation and shall have a Common Seal with power to break and alter the same.

Right to sue and be sued.

The Diocesan Synod of each Diocese shall be capable of suing and being sued in any of Her Majesty's Courts of law.

Right to hold property

4. Each Diocesan Synod shall be capable of acquiring, taking, holding and possessing lands, tenements and hereditaments, moneys and other property, whether real or personal, or any estate or interest therein, by grant, conveyance, deed, gift, devise, purchase, succession or otherwise, and shall be capable of being *cestui qui* trust or trustee in respect of same.

Right to sell or charge property.

5. Subject to any restraint, reservation or condition contained in the document under which title is acquired, each Diocesan Synod shall be entitled to sell, mortgage, lease or otherwise dispose of and deal with all property which, for the time being, may be vested in or have been acquired by it.

Vesting of property.

6. All lands, buildings and other real or personal property located within the boundaries of the respective Diocese and at present legally held by or hereafter to be acquired by the Diocesan Synod of Newfoundland, shall vest absolutely in the Synod of the Diocese in which such lands, buildings or other properties are located, provided, however, that the same shall be subject to such trusts and conditions as may have been declared or set forth by or in any will, deed, or other document.

7. Where, in

(a) a statute, or other law;

(b) a grant, conveyance, lease, licence or assignment of any of them, or in a will or in any other instrument, or document, whether of the foregoing kind or not, bestowing, creating, transferring, confirming or evidencing any right or title in or to property of any kind:

(c) an agreement; or

(d) any other instrument or document whether of the foregoing kind or not,

there is reference to the Diocese of Newfoundland or the Diocesan Synod of Newfoundland, that reference is and shall be deemed to be to one or all three of the said Dioceses, or their respective Synods, as the context shall so admit.

References to the Diocese of Nfld. Or Diocesan Synod of Nfld.

8. The present Constitution, Canons, Rules and Regulations of the Diocesan Synod of Newfoundland shall be the Constitution, Canons, Rules and Regulations of the three Diocesan Synods until the same be annulled, altered or amended.

Application of present Constitution.

9. Each Diocesan Synod shall have authority to annul, alter, or amend its Constitution, Canons, Rules and Regulations provided that the same are not at variance with the laws of Canada or this province.

Amendment to Constitution.

10. This Act shall come into force on the first day of January, A.D., 1976.

Due to coming into force.

CANON XVIII

Discipline

I. Episcopaljurisdiction

1. Preservation of Episcopal Jurisdiction Regarding Discipline

a) It is hereby aclmowledged that the bishop of a diocese of The Anglican Church of Canada has by virtue of the office of bishop, ecclesiastical jurisdiction, authority and power of discipline over bishops, priests, deacons and lay members of The Anglican Church of Canada within the diocese or otherwise under the jurisdiction of the bishop.

b) Nothing in this Canon shall be interpreted as impairing, diminishing or affecting in any way the pastoral or disciplinary aspects of the authority and jurisdiction of:

i) a metropolitan who has jurisdiction with respect to a bishop
li) a bishop who has jurisdiction th respect to a bishop, priest or deacon, or a lay person who is a member of The Anglican Church of Canada;

except only in relation to:

ill) the determination of whether the bishop, priest or deacon has committed an ecclesiastical offense established by this Canon,
iv) the determination of whether a lay person who has been appointed, elected or commissioned to an office, appointment or responsibility in a parish, a diocesan synod, a prm ncia] synod, or the General Synod, has committed an ecclesiastical offense established *by* this Canon, and
v) the determination of the penalty appropriate for the commission of an ecclesiastical offense established by this Canon.

2. Initial Disciplinary Jurisdiction

a) 'Where it has been alleged that a bishop, priest or deacon subject to the jurisdiction of a bishop, or a bishop subject to the jurisdiction of a metropolitan, has committed an ecclesiastical offense established by this Canon, the bishop or metropolitan, as the case may be, shall have initial jurisdiction mth respect to the determination of whether an ecclesiastical offense has been committed and the penalty for the commission of the offense.

b) TI1e bishop or metropolitan may refer the detennination of whether an ecclesiastical offense has been committed or the determination of a penalty to the court having jurisdiction th respect to the discipline of the person charged mth the commission of an ecclesiastical offense mthout exercising the initial jurisdiction described in section 2 a).

c) The procedures to be used1n the exercise by the bishop or metropolitan of the initial jurisdiction described in this section shall be those established by the synod of which the bishop or metropolitan is the president; however, such procedures shall be subject to the principles set out in part V of this Canon.

d) A diocesan synod may provide for the exercise of the initial jurisdiction of the bishop described in this section in respect of the discipline of such lay persons as are described in section 4 of this Canon.

3. Review by the Court

a) A person convicted of an ecclesiastical offense by a bishop or metropolitan may require the determination of the bishop or metropolitan that an ecclesiastical offense was committed by the person, or the penalty imposed by a bishop or metropolitan, to be reviewed by the court having jurisdiction with respect to the discipline of the accused person, which court may either confirm or overturn the determination of the bishop or metropolitan.

b) The Executive Council of the diocese, on its own motion or on the petition of the person or persons who made the allegation of an ecclesiastical offense which was tried by the bishop or metropolitan, may require the determination of the bishop or metropolitan that an ecclesiastical offense was committed, or the penalty imposed by the bishop or metropolitan, to be reviewed by the court having jurisdiction with respect to the discipline of the accused person, which court may either confirm or overturn d1e determination of the bishop or metropolitan.

c) Where a review by the court pursuant to this section is of a determination by a bishop or metropolitan that an ecclesiastical offense has been committed, the review shall be conducted as if it were an original trial held in d1e court.

d) Where a review by the court pursuant to this section is of a determination by a bishop or metropolitan of the penalty appropriate for the commission of an ecclesiastical offense, only evidence relevant to the question of the appropriate penalty shall be considered by the court.

II. CourtJurisdiction

4. Diocesan Courts

The diocesan court of a diocese shall have ecclesiastical jurisdiction with respect to the discipline of:

i) priests and deacons who =ry out their ministry in the diocese and who are registered on the register of the diocese, for any ecclesiastical offense, wherever committed,

ii) subject to section 16, priests and deacons of The Anglican Church of Canada not registered on the register of the diocese, in respect of any ecclesiastical offense committed in the diocese,

iii) lay persons who have been appoimed, elected or commissioned to an office, appointment or responsibility in a parish of the diocese or the diocesan synod, for any ecclesiastical offense which they may commit in the diocese,

iv) lay persons who have been appointed, elected or commissioned to an office, appoinm1ent or respon5ibility in a provincial synod, or the General Synod, for any ecclesiastical offense which they may commit in the diocese, and

v) priests, deacons and lay persons of any other diocese when a direction is made pursuant to section 17 of this Canon.

5. Provincial Courts of Appeal

The provincial court of appeal of a province shall have ecclesiastical jurisdiction with respect to the discipline of:

i) the bishops of the province,
ii) the bishops residing in the province, and
iii) the bishops of any other province of The Anglican Church of Canada when a direction is made pursuant to section 17 of this Canon,

for any ecclesiastical offense which they may conmlit.

6. Supreme Court of Appeal of The Anglican Church of Canada

The Supreme Court of Appeal of The Anglican Church of Canada shall have ecclesiastical jurisdiction with respect to the discipline of:

i) the Primate, and
ii) the Bishop Ordinary,

for any ecclesiastical offense which they may commit.

Ill. Ecclesiastical Offenses

7. Disciplinary Action Regarding Offenses

All persons who are subject to ecclesiastical jurisdiction in the Church shall be liable to discipline for any of the following offenses:

i) conviction of an indictable offense;
ii) immorality;
iii) disobedience to the bishop to whom such person has sworn canonical obedience;

iv) violation of.any lawful 'Constitution or Canon of the Church, whether ofa diocese, province or the General Synod by which the person is bound;
v) wilful or habitual neglect of the exercise of the ministry of the person without **cause;**
vi) wilful or habitual neglect of the duties of any office or position of trust to which the person has been appointed or elected;
vii) teaching or advocating doctrines contrary to those accepted by The Anglican Church of Canada;
viii) contemptuous or disrespectful conduct towards the bishop of the diocese in matters pertaining to the administration of the affairs of the diocese or a parish.

IV. Penalties for Ecclesiastical Offenses

8. Penalties Generally

Where it has been determined that a person has committed an ecclesiastical offense, the following penalties may be imposed against the person:

i) admonition;
ii) suspension from the exercise of ministry or office;
iii) deprivation of office or ministry;
iv) deposition from the exercise of ministry if the person is ordained.

9. Admonition

a) Admonition shall be delivered by the bishop, metropolitan or the president of the Court which shall have determined the penalty, as the case may be.

b) Admonition may be in public or private as the bishop, metropolitan or president delivering it may determine.

10. Suspension

a) When a penalty of suspension is imposed, the bishop, metropolitan or court imposing it shall fix the duration of the suspension and may impose such other conditions on the suspension as are considered appropriate.

b) During the term of a suspension, the person suspended from the exercise of ministry or office shall not exercise the function of his or her ministry anywhere in Canada.

c) ITa person suspended from the exercise of ministry exercises his or her ministry contrary to section 10 b) hereof, or otherwise violates the conditions of the suspension, the bishop, metropolitan or court which imposed the penalty may, after a further hearing, impose the penalty of deprivation of office.

d) During the term of a suspension, the bishop may deprive the suspended person of the whole or part of any stipend, income or emoluments associated with the ministry or of-fice fmm which the person stands suspended and may audwrize d1e application of the whole or part of such stipend, income or en1oluments to d1e payment of a substitute.

e) During d1e term of a suspension of a bishop, the metropolitan, or d1e executh'e com1cil of the synod of d1e diocese in which the bishop sen,es, may deprive d1e bishop of the whole or part of any stipend, income or emoluments associated with d1e office of the bishop and may authorize d1e application of d1e whole or part of snch stipend, income or emoluments to the payment of the person performing d1e duties of the bishop during the term of d1e suspension.

11. Deprivation

a) Upon the penalty of deprivation of office or ministry being prononnced, d1e connection between d1e person deprived and his or her parish, mission, congregation, diocese or office is severed and all revenues to which the person was entided by virtue of the office or ministry shall wholly cease and determine.

b) A person who has been deprived of office or ministry shall be incapable of holding any office or performing any function in any diocese in The Anglican Church of Canada nntil restored pursnant to subsections c), d) or e) hereof.

c) Any person so deprived shall be and remain deprived nntil restored by the bishop of the diocese in which the office from which d1e person was deprived is located.

d) Any bishop so deprived shall be and remain deprived nntil restored by the metropolitan of the prm nce of which d1e deprived bishop's diocese is part, or by the Primate in the case of the Bishop Ordinary.

e) Any metropolitan so deprived shall be and remain deprived nntil restored by the House of Bishops of the Province, in the case of a prm cial men·opolitan, or by the House of Bishops of The Anglican Church of Canada, in the case of d1e Primate.

f) Restoration pursuant to subsections c), d) or e) may be to any office or ministry in the diocese whether or not it be the specific office from which the person was deprived.

12. Deposition

T11e penalty of deposition shall include all of the consequences of deprivation and at the same time will have the same effect as if d1e person had relinquished d1e exercise of the ordained ministry pursuant to Canon XIX.

13. Notices

a) There the penalty of suspension is imposed, the comi:shall cause notice d1ereof to be given to all the clergy of d1e diocese and all bishops of The Anglican Church of Canada.

b) :where ,a penalty of deprivation of office or ministry or of deposition is imposed, the court shall cause notice thereof to be given to all the clergy of ,the diocese, all bishops of The Anglican Church of Canada and all metropolitans of the Anglican Connunion.

V. Principles and General Procedures to be Observed in Discipline Proceedings in The Anglican Church of Canada

14. Fundamental Principles of Natural Justice

a) All trials of persons charged with offenses under this Canon shall be conducted according to the principles of natural justice.

b) Without limiting the generality of the foregoing section, all persons tried for offenses under this Canon are entided to be:

i) given full and complete written notice of the charge against them and the particulars of the charge,
ii) presumed innocent until the commission of the offense by them is proved beyond a reasonable doubt,
iii) heard in their own defense,
iv) represented in their defense by counsel of their own choice,
v) present, accompanied by their counsel, when any evidence or argument concerning the allegations against them is received by the bishop, metropolitan or court inquiring into the charges,
vi) given opportunity to cross-e.'l:amine, or have their counsel cross-examine under oath, witnesses who have given evidence against them,
vii) tried by persons who are not biased against them, and
viii) tried within a reasonable time.

c) No person tried for an offense under this Canon is required to give evidence in the proceedings.

d) Disciplinaty proceedings arising out of the alleged commission of an offense under this Canon shall be connenced within:

i) 12 months from date of the alleged offense in the case of offenses under section 7 i), iii), vii), and viii), and
ii) 12 months from the time when the facts giving rise to the charge became publicly known in the case of an offense under section 7 ii).

e) No proceedings shall be taken in respect of an alleged offense under section 7 v) or vi) unless six months' notice of intent to take proceedings have been given to the bishop, priest or deacon against whom it is intended proceedings will be taken.

f) Disciplinary proceedings arising out of the alleged commission of an offense under section 7 v) or vi) shall be commenced within 12 months of the date of the notice of intent given, pursuant to section 14 e).

g) All persons found to have conunitted an offense under this Canon are entitled to have the penalty imposed against them within 30 days of tl1e detemunation that they conunitted an offense, subject to a stay of the imposition of a penalty in tl1e event of an appeal.

h) No person who has been acquitted of an offense under tllls Canon may be tried for the same offense a second time.

i) No person who has been found guilty of and pmushed for an offense under tllls Canon may be tried or pm1ished for the same offense again.

15. Inhibition

a) If it appears to tl1e bishop that great scandal is likely to arise if a priest, deacon or lay person continues to pe1form the duties of Ius or her office willie a charge is under investigation or trial and that the person's ministry will be seriously in1paired wllle a charge is pending, the bishop may inhibit the person charged from perfomling any of the duties of his or her office, either in the diocese of tl1at bishop or elsewhere, pending such investigation or until tl1e bishop witl1draws the inlubition, or until tl1e end of the trial.

b) During such inhibition tl1e person inhibited shall not be deprived of tl1e stipend, income or emol=ents associated with the person's office.

c) INhere it is alleged tl1at a bishop has conurutted an ecclesiastical offense, inhibition may be ordered or withdrawn *by* the metropolitan in consultation > th the execntive council of the diocese.

d) INhere it is alleged that the Bishop Ordinary has committed an ecclesiastical offense, inlubition may be ordered or withdrawn by the Prinlate in consultation with tl1e Officers of the General Synod.

e) INhere it is alleged tl1at a metropolitan other than the Primate has conurlitted an ecclesiastical offense, inhibition may be ordered or withdrawn by the prm cial house of bishops in consultation with the executive council of the metropolitan's diocese.

f) INhere it is alleged that the Primate has committed an ecclesiastical offense, inhibition may be ordered or > tl1drawn *by* tl1e provincial metropolitans in consultation with the Officers of the General Synod.

16. Priest or Deacon from another Diocese

a) In the event of an offense being alleged 1lgainst a bishop, priest or deacon who is not on the register of the diocese, but who is on the register of another diocese, for an offense alleged to have been committed in the diocese, proceedings with respect to such an offense shall not be instituted until notice of the allegation has been given to the bishop of the diocese in which the priest or deacon is registered and that bishop has given consent for proceedings to be instituted by the bishop of the diocese in which the offense is alleged to have been committed.

b) A bishop who receives a notice under subsection a) shall forthwith respond either by consenting or refusing consent to the institution of proceedings in the diocese from which notice was received.

c) Where a bishop consents, proceedings shall be taken in the diocese where the allegation has been made.

d) A bishop who refuses consent shall, within six months of receipt of notice pursuant to subsection a) hereoinstitute proceedings with respect to the alleged offense in accordance with the canons of the diocese in which the priest or deacon is registered.

17. Transfer of Jurisdiction

a) On the application of a person charged with an offense under this Canon to the president of the court having ecclesiastical jurisdiction over that person, that ecclesiastical jurisdiction may be transferred to another court, where it appears to the president of the court to which the application is made, that such transfer is necessary to ensure that the fundamental principles of natural justice are respected and where the court to which the transfer is to be made consents to the transfer.

b) Where an application under subsection a) is made to the president of a diocesan court, the transfer may be made to another diocesan court of the same ecclesiastical provmce.

c) Where an application under subsection a) is made to the president of a provincial court of appeal, the transfer may be made to another provincial court of appeal.

d) Where an application under subsection a) is made to the president of the Supreme Court of Appeal of The Anglican Church of Canada, the transfer may be made to a provincial court of appeal.

VI. Rights of Appeal *in* Disciplinary Proceedings

1. An appeal to the provincial court of appeal may be taken from any judgment or order of a diocesan court or the president thereof.

2. An appeal to the Supreme Court of Appeal of The Anglican Church of Canada may be taken from a judgment or order of a diocesan court or the president thereof, or a provincial court of appeal or the president thereof, in the circumstances and pursuant to the procedures established by Canon XX.

3. All appeals shall be commenced according to the procedure of the court to which the appeal is to be made within 30 days of the date of pronouncement of the judgment or order appealed from.

4. No limit or restriction on the rights of appeal granted by this Canon, imposed by a bishop or diocesan or provincial synod shall be of any effect.